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# THE Battle Against Bribery

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BEING THE ONLY COMPLETE NARRATIVE OF JOSEPH  
W. FOLK'S WARFARE ON BOODLERS

---

INCLUDING ALSO THE STORY OF THE GET-RICH-QUICK  
CONCERNS AND THE EXPOSURE OF BRIBERY  
IN THE MISSOURI LEGISLATURE

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By Claude Wetmore

Author of "Fighting Under the Southern Cross," "Incaland,"  
"In a Brazilian Jungle," and "Out of a Fleur-de-Lis"

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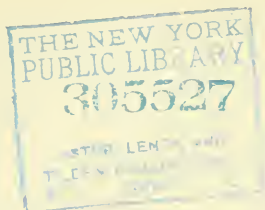
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TO  
ALEXANDER NICOLAS DEMENIL, A.M., PH.D., LL.B.  
THIS BOOK IS DEDICATED

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DR. DEMENIL IN WRITING "THE LITERATURE OF THE  
LOUISIANA TERRITORY" HAS PERFORMED A SER-  
VICE THAT ENDEARS HIM TO ALL WRITERS  
OF THE MIDDLE WEST

# FOREWORD

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**A**S city editor of the St. Louis Post-Dispatch, in 1898, I directed the work of a dozen reporters who investigated the bribery of the municipal assembly by Robert M. Snyder, when he paid \$250,000 to secure the passage of a blanket franchise that should cover nearly all the streets of St. Louis for an electric railroad system. We had sufficient proof to convince any fair-minded jury that at least a score of persons had committed a felony and should be sent to the penitentiary; and we offered to submit this proof to the proper officials. Result—the grand jury was instructed to read the articles in the Post-Dispatch, and if possible return indictments against the authors for criminal libel.

As associate editor of the St. Louis Chronicle I was familiar with the work of Mr. Folk from the day when he opened fire on the boodlers until a year had elapsed; and as editor of The Valley Weekly, and author with Lincoln J. Steffens of the first of McClure's series, I have been in touch with him ever since.

In order that no error might creep into these pages I have secured data from the following well-known newspaper men of St. Louis: Kenneth G. Bellairs, who has been stationed at the Four Courts for several years; William C. McCarty, who was employed in a similar capacity until he resigned to join the Louisiana Purchase Exposition; Chester C. Rider, who went to Guadalajara, when extradition proceedings concerning Kratz were pending; and J. J. McAuliffe, who did more than any one man to bring about an exposure of conditions at Jefferson City, and who followed Legislative Agent Kelley into Canada, and there secured damning evidence against former Lieutenant-Governor John A. Lee.

To all of these, who have at different times been my co-workers, I wish to express my thanks; and also wish to state that their co-operation made Mr. Folk's work possible.

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# The Battle Against Bribery

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## CHAPTER I

IN DARK ST. LOUIS

“**Y**OU have the moon yet, ain't it? Well, what more do you want?”

This answer was given by the Mayor of St. Louis—a wealthy German-American politician—to a committee of citizens who in the dawn of 1900 visited the city hall and complained because tardy action by certain officials had resulted in a failure to light the streets of a residence district.

It was a reply typical of the period, and proved the attitude of those placed in office toward those who had placed them there. The servant had turned the tables and was the master.

On that day the fourth city in size and commercial importance in the United States could be compared with a tree in a jungle of Brazil that had been strangled by a vegetable parasite. Once it had been of luxurious growth, but a vine had crept upon its trunk and along the branches, piercing the bark as it spread, and had sucked its sap for sustenance. The leaves of the creeper waxed large and glossy, but the tree drooped, spots of decay appeared in places and its progress was arrested.

That vine that found root in St. Louis, the name of which was bribery, had thrust its soft and leech-like feelers into every department of the city government before the people were aware of its existence, and was hugging the municipality in a death embrace.

The day when it came into being is not well known ;

some persons say the seeds were cast a dozen years ago, while others maintain that it was a score, or even two score.

Wealthy men—"leading citizens"—were responsible for its transplanting into the soil. They sought special privileges, that they might increase their already large fortunes, and their money influenced legislation.

A—, the owner of a warehouse, desired the passage, by the municipal assembly, of an ordinance that would grant him the right to build a railroad side-track over a public thoroughfare into his property. Several members of the law-making body doubted the wisdom of heeding his request and a forecast proved that a vote on the measure would result in a tie. A— then called upon a member whom he knew to be in impecunious circumstances, and after feeling his way with care and arguing on the advisability of passing the measure, he said that he was prepared to make his friend a little present, something which would pay his house rent for a few months. Result, he got the side-track.

Thus it started, and for a time the method of operation was the same as that pursued by A—. Men of wealth would seek out the weak and the poor who had been elected to office, and by pressing their palms with greenbacks would secure petty special privileges.

From this small beginning grew the political boss, the spoilsman and the method of adverse legislation.

The three came together—the boss, who directed such legislation as was considered profitable, and who secured the election to office of men who would do his bidding; the spoilsman, who sought positions of trust solely for the purpose of personal gain, and adverse legislation, which was the cudgel used by both of them in times of dullness, when men with money seemed wary of their clutches.

The boss shook hands one moment with the millionaire and the next hob-nobbed with a dive-keeper who, with the whip of vice, controlled a certain number of votes. He was the go-between for the men who wished to sell their honor and the men who wished to



purchase such a commodity—for a commodity it became in those days, the price fluctuating no more than does that of the average stock.

The boss became such because of his ability to control election machinery, which enabled him to place in office such a number of his personal selection as would insure the carrying out of his plans. This done, he held the same position with reference to those who wished to accept bribes and those who wished to offer them as does the commission merchant to the small trader and the large owner.

The spoilsman knew no will but that of the boss. He became a candidate for office at the suggestion of the boss, knowing that if elected he would vote to order. Men struggled for these positions, they expended large sums of money that they might have the privilege of selling themselves, and the induction into office became a regular business, requiring a certain amount of capital and a knowledge of the "tricks of the trade."

The weapon, adverse legislation, was employed in a scientific manner. It was not frequently used—only when the income fell below the average, or the boss was in a vindictive frame of mind. It came to be estimated that a seat in the house of delegates was worth a certain sum of money per annum and a seat in the council another sum. And likewise the boss insisted that his "fees" should never fall below a certain amount. Therefore, when there was a dearth of bills from persons who sought special privileges, a measure inimical to a certain person or certain interests was introduced in the assembly and promptly enacted into a law. The boss and spoilsmen then waited, knowing what would happen, and pretty soon overtures would come from the interests that had been made to suffer, a bargain would be struck, and finally the adverse legislation would be repealed.

Not all the men whom the boss placed in power or permitted to take office were dishonest. Indeed, if he could promote the interests of a candidate who through

pliability, ignorance or for some other reason would do his bidding, this man would be more welcome than the person who was anxious to sell his vote, for in such event less money would have to be distributed. The boss must needs be skillful in playing upon the chords of human nature and one that frequently responded most favorably to his touch was that of vanity. An instrument of this kind was the mayor who delivered the classic concerning moon-lighted thoroughfares.

Naturally it was known in a general way that bribery prevailed in city offices. Certain men of affairs had personal knowledge that they had secured favorable legislation for a consideration, and seeing other men of affairs treated in a like kindly manner, they were convinced that the *modus operandi* must have been the same. But for two very good reasons they made no effort to change the conditions. In the first place, under the law, they, as bribe-givers, were as guilty and as amenable to punishment as were the bribe-takers; in the second, they had secured what they had sought, and which was a decided advantage to them, inasmuch as they knew no other person could secure it without expenditure of a larger amount. And of even this rivalry they had little fear, for with the "honor among thieves" adage to guide them, the bribe-takers considered that having accepted the price for granting a special privilege it would be unfair to endanger the purchaser with competition by granting a like privilege to a business competitor.

Perhaps the most general knowledge of conditions came from the bribe-takers themselves, who grew so bold that they would discuss their illegitimate plans even in the presence of strangers.

"Ah, there, my boodler!" exclaimed a member of the house of delegates, one afternoon, adding: "How are you to-day?"

"Very fine, my jail-bird." was the jocular rejoinder. "Lend me a nickel till I run across the street and buy a glass of beer."

"Can't do it. Wait till the X—— bill passes to-night and I'll let you have a hundred."

"O, I won't need it then, for I'll be on velvet, too."

A delegate riding down town, paid his street-car fare and remarked: "That's the last cent I have on earth. My election cost me a thousand."

The next week he canceled a five-thousand dollar mortgage and a month later he purchased a lot of land in the expensive West End section.

Wives and daughters of city fathers ceased doing house-work soon after a successful election and became the employers of domestics. Later they rode in carriages, bedecked hands and necks with jewelry and their expensive costumes on first nights at the opera were described in the society columns of newspapers.

Ranks of the spoilsmen were swelled from all walks in the lower strata of life and from a few in the upper, but the best material for the boss was the retail liquor dealer, who not only delivered himself at demand, but brought a certain following as well. A messenger nearly caused a stampede one evening when he dashed into the chamber of the house of delegates and shouted, "Your saloon's on fire!" and when the echo of running footfalls had died away, the clerk, in the absence of the panic-stricken speaker, gravely remarked, "No quorum, gentlemen."

Wonder has been expressed that the newspapers did not expose the true situation. They could have done so years ago, for facts sufficient to damn every office holder guilty of bribery were brought by reporters to the desks of managing editors. Then why was silence kept? A reply is the answer given one day by a man high in authority to an enthusiast who desired to expose the crime.

"It would not do," said he. "To start this ball rolling would result in its ultimately falling on us and we would be crushed. Some of our heaviest advertisers have been giving bribes. They had to do it or go out of business. If this thing were once started, men would be dragged out of churches and out of clubs and led to jail. No, no, we'll let it alone."

Yet there was one newspaper that rebelled at the

existing order of things when an unusually large and unusually palpable steal was effected. This journal—the St. Louis Post-Dispatch—went so far as to charge that what was known as the Central Traction bill had been passed by methods of bribery and it described the guilty marks discernable during the session when the measure became a law. The result was judicial action, but action in a manner somewhat surprising. The newspaper was ordered to produce its evidence and when such proof as was in the possession of the reporters was laid before the man who was then circuit attorney, he twisted it into an innocuous mass, belittled its importance, and the next day a learned judge, in charging the grand jury called attention to what he termed “the attack of a yellow journal” upon honest citizens, and suggested that indictments for libel might be in order.

Results of this corrupt period were in evidence everywhere one looked and St. Louis lagged behind in the march of progress.

No equivalent for franchises found a way into the city treasury; the money paid for them only increased the bank account of individuals. Not content with taking advantage of existing laws the spoilsmen created others which would redound to their financial benefit. To instance the repeal of an ordinance which provided that a merchant seeking permission to erect an awning, place boxes on the side-walks or do certain other things of a quasi-public nature must pay a certain sum to the city, and the enactment of another providing that such permits should be issued without cost. But were they? No, indeed; the price was made higher than before, but the money was diverted into the pockets of the person issuing the document instead of reverting to the municipality.

In that year, 1900, when the mayor considered the moonlight sufficient illumination, St. Louis boasted a new city hall upon which work had been stopped because there were no funds with which to finish the interior walls; the city hospital, a vermin-infested fire-

trap, bred new diseases in the bodies of patients unfortunate enough to become inmates,\* the Four Courts, where magistrates of the criminal division preside and where is located the jail and police headquarters, was periodically sprayed with formaldehyde; the streets, reeking in places with filth, were hummocky and in times of heavy rains were almost impassable; the water that flowed from the taps became liquid mud when there was a rise in the Mississippi, and bathers were cautioned to rub lightly, lest particles of sand should cause abrasion of the skin.

Yet, while such things were, a street railroad paid \$300,000 for the privilege of using certain thoroughfares and the money went into the pockets of the spoilsmen.

And while such things were a regular tariff was formulated at the city hall, a tariff that specialized the price for which bribed votes could be secured—so much for permission to lay a switch, another sum for building a wharf, still another for locating a public market in a particular neighborhood, and so forth, on and upwards, to a fortune for the men who would seek control of a great public utility such as the water-works.

Yes, in that dark year the barter of nearly everything the city had was open for consideration with the spoilsmen; and a certain number, with even more advanced ideas, discussed the advisability of turning over the city fire department to the highest briber and permitting him to levy toll upon the merchants and insur-

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\*In this year a reporter for the Post-Dispatch was detailed to feign illness, secure admission to the city hospital, remain there two days, then write what he had seen and heard. Mr. Joseph M. Adams, the reporter, faithfully performed his assignment, and the article he wrote caused much comment. It is a matter of Fourth Estate history, however, that immediately after "turning in his copy" Mr. Adams went home and to bed, where he remained a week under the care of a physician. Perfectly well when entering the city hospital, he had contracted sickness while an inmate.

ance companies. Others planned to sell the court house and still others agreed to let an advertising firm paint notices of its wares on the court house walls.

Then there came a change, slow at first, like the gathering of a storm, but swift and destructive in its finality.

## CHAPTER II

EDWARD BUTLER

“I AM a master horseshoer, 63 years old, and was born in Ireland,” answered Edward Butler when on the witness stand.

“He is worth two, and perhaps three million dollars ; he holds stock of two railroads and several trust companies ; he is interested in the St. Louis Reduction Company, the Excelsior Hauling Company, and in five large blacksmith shops ; he owns a large residence on West Pine boulevard, which he occupies with his family, and several other pieces of city real estate are also in his name.” Such would be the substance of a commercial agency’s report on Edward Butler.

“He’s de boss of St. Louis,” would reply a denizen of the Fifth ward.

All three answers would be correct and each would indicate a phase of the man’s character ; yet, to make the sum total, an interrogation should be put to a bed-ridden woman whose husband had been cast in jail, and she would cry out : “Colonel Butler ? He’s the best man in the world, sir.”

Mr. Butler’s first recollection of life is that of being a bellows-boy : then he was taught how to hammer white-hot iron and shape it to a horse’s hoof. By and by he purchased a little shop with his savings and hired a helper. About this time he married and took his bride to a loft over the smithy. There the first child was born. That child, now James G. Butler, wealthy in his own right, has thrice been elected to the national Congress and twice ousted as the result of contests.

A patented horseshoe, exhibited in St. Louis, at-



tracted Edward Butler's attention. He secured the agency for its sale in the West, and in a few years had made several thousand dollars' profit. With this money he opened other blacksmith shops and became overseer of them all.

Simultaneously with gaining control of dollars he commenced to gain control of men. When unfortunates appealed, he lent them aid and bound them to him. Men arrested for petty offences would ask him to sign their bail bonds. He would do so and then assist in their defense. He would visit the sick and leave them money and food; he would send to them a doctor. In this manner he gained control of a precinct, then a ward. He did not make use of this power for his own advancement into office, but exerted it as a dictator and commenced to name nominees. Other wards soon came to him; finally all wards downtown—those that are peopled by the masses—were his, and it was not long before he controlled the city.

St. Louis is normally a republican stronghold. Butler is a democrat. Yet so great was his power that in any ten years prior to the present, he placed in office whomsoever he willed. The "Indians," as his followers became known, were not only numbered by the thousands, but could multiply at will because of their ability to evade election laws. At times, for reasons best known to himself, he has thrown his strength into the enemy's camp, but on important occasions he has been loyal to his party.

When the democrats desired to control St. Louis during the World's Fair year and placed Rolla Wells in nomination for mayor, Butler rallied his "Indians" to the support of the ticket, and in the spring of 1901 gave the city an executive who inaugurated a business administration. Six months before this Joseph W. Folk had been elected circuit attorney by the grace of the same "Indians," and in 1902, when the World's Fair was in danger because of opposition to certain charter amendments, Butler threw his power to its side, and the popular vote approved changes in the



municipal laws which made possible the erection of the Louisiana Purchase Exposition on the Forest Park site.

Butler's only education was that of the blacksmith shop; his early associates were the dwellers in downtown tenements, and the lessons of political economy that he learned in this school were: "Get the votes somehow; elect your man, then have him do your bidding." No one told him what statesmanship meant; it was a word not in his lexicon: that the weal of the commonwealth should be the first consideration of an office-holder none of his teachers ever advanced, for they never gave it thought themselves.

So Edward Butler's ability to control men, his shrewdness and his business foresight were contracted in the narrow sphere of city boss; expanded?—and here the writer will quote the Rev. W. W. Boyd, pastor of the Second Baptist church, who recently exclaimed:

"Had Edward Butler's early life been different he would have become a second Abraham Lincoln. The man has done much good; he has acted according to his lights, and the nation is the poorer by a noble character because his lines first fell in tangled places."

Wealthy men, powerful men in the business world, seeing the control which Edward Butler exercised over the ballot-box and the municipal offices, sought his assistance in securing the special privileges which hitherto they had obtained direct by bribing the office-holders. He agreed to their propositions, for it was the teaching of his school that public office existed only for private gain. What was power if it could not be turned into money, that other god worshiped by his early associates?

In this manner the seekers after special privileges made him their go-between. They paid him a lump sum for the passage of ordinances, then went their way, neither knowing nor caring how the thing was done. In this they were wise, for the interposition of Edward Butler's body shielded their own, and they were no longer the actual bribers.

It is worth the while to mention here in passing that one of the elements contributing to the bribery exposure of 1902 and 1903 was the failure of a street railroad president to employ Edward Butler in the matter of a \$135,000 bribery deal, the result being bungling methods adopted by a novice and a bringing about of friction between bribe-givers and bribe-takers.

It is doubtful whether Mr. Butler resorted to bribery in many instances where it is believed money was used. This is because of a prior lien which he held on the majority vote in the assembly, and which enabled him to pocket the fee given him by the corporation or individual and simply direct that such and such be done.

The ownership of office-holders was his specialty, and the bondage in many instances long antedated the election. Any man who bade promise of rising, or who had friends in sufficient number, or who for other cause gave reason to believe that sometime he might become a candidate for office, could always command assistance from Mr. Butler. Such an one might be arrested. Butler would hurry to his aid, leaving home even at dead of night to journey over the dark roads to the dingy Four Courts building.

It was known to the faithful that the boss had an extension telephone on a table beside his bed and that he would respond to their call with the alacrity of a physician. Sickness in a home! He would drive through snow and sleet to any section of the city and leave behind him things material. A man saw a business opening and lacked the necessary capital. Butler would supply the money and when the sums were not large he would ask neither mortgage nor promissory note. He knew that bread thus cast on waters would return.

A narrow view of this presentation of character would convince one that it was always with selfish intent that Mr. Butler did these good works. But such is not the case. He was as generous and kind to persons who could render him no return as to those who

would some day give *quid pro quo*. Many widows and orphans are being supported in St. Louis to-day by the generosity of the boss, and a willing hand has been held out to men who have fallen so low that their elevation to any position where they might do their benefactor benefit would be an impossibility.

Those who know him and have watched his work, believe that when that telephone by his bedside rang at midnight and an appeal for help followed his placing the receiver to his ear, no thought came of "What benefit will this be to me?" But he went forth and did the deed of kindness.

Nevertheless, benefit resulted in the majority of instances, and as the years passed he saw more and more men whom he had befriended in their hour of need placed in positions of trust, and these he controlled in an emergency.

Edward Butler has been compared with a lawyer, who is paid, not for the actual work done, but for the knowledge which made the manner of the work profitable to the client. He himself has used the word "fee" when speaking of the money paid him for securing a special privilege. The fee was not for the labor of lobbying, but payment for the years of travail when he studied conditions in downtown wards, for years of endeavor to gain mastery over men, and for years of acquaintance with the intricacies of municipal machinery. He had become a specialist in directing legislation, and frequently a fee of \$100,000 would be earned by simply sending a message to the speaker of the house of delegates.

Although in some instances taking the lion's share of this money, Mr. Butler permitted his henchmen frequently to divide with him the spoils, and he also allowed them to negotiate directly for petty bribes. The granting of switch-ways, wharf frontage and elevator lands soon became too trivial affairs to command his attention.

While securing special privileges for others the boss did not neglect himself, and ordinances awarding

the disposal of garbage to the St. Louis Reduction Company and the collection of the same to the Excelsior Hauling Company were grants to corporations in which he was the heaviest stockholder. Then, to make the way of these corporations easier, he gave liberally to the different city officials in the manner of presents, so that they overlooked any shortcomings, and did not insist upon the contractors living up to the letter of the agreement.

Meanwhile, he profited in another manner by his position as a specialist in municipal legislation. Men of affairs whom he had aided in securing franchises, reciprocated by giving him information concerning the probable trend of stocks, so that he was able to turn many a sharp trick in the market, and thus swell his bank account.

How this man, seemingly impregnable, finally became enmeshed in the webs of judicial investigation is a story the thread of which will run through this tale. It is another index to his character that when finally brought to bay he made no effort to save himself by incriminating others, but bore the brunt of it alone.

Had Edward Butler agreed to tell all he knew concerning the crime that festered upon St. Louis, the state would gladly have granted him immunity from prosecution; and had he opened his lips, as he could have done, the blight of disgrace would be to-day upon scores of St. Louis homes—aye, in West End residences where millionaires have habitat—and men prominent in the business world would either be fugitives from justice or harried by trials in the criminal courts, instead of sitting in comfortable chairs while attending meetings of boards of directors.

It might be asked if those who were shielded by Butler, and still are shielded, did not worry when overtures of immunity were offered for confession? No, for they knew the man. One who has seen the commanding figure of Edward Butler, "the lionine face, heavily marked and dashed with purple spots, must exclaim: "*He will never turn state's evidence.*"

That he has influenced municipal assemblies he admits, but he maintains that he has not done so within three years, which is the time prescribed in the statute of limitations; and, he adds, there are scores of other St. Louisans, highly respected to-day, who are as deep in the mud as he is in the mire.

∴

## CHAPTER III

JOSEPH W. FOLK

**I**N ADOLESCENCE Joseph Wingate Folk breathed the purifying air of the country; the spirit of the best in the past came from verbal teachings and from tomes on the library shelves of his home, where the atmosphere was that of refinement and culture.

Henry B. Folk, his father, had been North Carolina born; Martha Estes, his mother, traced her ancestry to people of Virginia; and both families were proud of the part that had been played by persons of their names when the Thirteen Colonies were struggling for independence.

Such a tree must give forth good fruit, and in addition to the man who has won fame as circuit attorney of St. Louis, the student of moral philosophy can point to that man's brothers, Reau E. Folk, state treasurer of Tennessee; Carey A. Folk, president of Boscotal College; Edgar E. Folk, editor of "The Baptist and Reflector," and Humphrey B. Folk, minister of the gospel, and say they are the result of conditions, even as Edward Butler is the result of an early struggle in the downtown ward of a city.

Brownsville, Tennessee, is a town of three thousand inhabitants. On October 29, 1869, when Joseph Folk came into the world, it was somewhat smaller, and as the new arrival's father was the "leading lawyer" of the village, and indeed of that section of the state, it was but natural that the boy should have a start at the top in the society of which he became an entity.

For twelve years he attended the common schools and became proficient in the elementary branches. He

was remarked for his ability and it was frequently prognosticated that he would become more than an average useful citizen. His favorite study was mathematics, particularly algebra, and at one time it seemed as if the groove into which he should slip would be that of pedagogue. But Joseph, while yet in his 'teens, had decided to follow in his father's footsteps. He found himself more interested in pleas made in the little court house than in the practice of a physician or the duties of the minister, and things developed during the early days of study to indicate that he would gain prominence as a member of the bar, for he became known in the Brownsville class room as an orator, and his compositions attracted much attention.

The boy was a lover of out-door sports, in which he maintained the lead that had been given him and which he held as a right. Handball and marbles were his favorite games, in which he excelled.

At the age of nineteen, sound in mind and body, equipped with the rudiments of knowledge well instilled, he matriculated at Vanderbilt University, and two years later was graduated at law. Returning to his native town, he hung out his shingle, opened a desk, and soon became busy with cases which were entrusted to him, both because he was a son of Henry B. Folk and because he showed the necessary ability.

The practice in that town was mixed, as is the practice of a physician in a similar village. One day a civil suit, the next defending a criminal; stating a case plainly to a common-sense justice, addressing platitudinous remarks to a self-opinionated jury, delving deep in leather-covered volumes, in effort to discover something not known by an erudite judge—this was Mr. Folk's life for three years. It was a study of actual conditions, as valuable to the attorney of the future as is practice in a hospital to a surgeon.

Thus equipped—with a foundation of college instruction and a first-floor of general experience—he left for St. Louis in 1893, when twenty-four years of age, determined to finish the structure of his building



in the metropolis of the Southwest. Those who met the young Tennessean found a smooth-faced, pleasant-voiced individual, who was an inch or two below average height. He wore glasses, which somewhat obscured the expression of his eyes; around the curves of his mouth a smile continually lingered and the thrust-back which that gave to the flesh caused dimples to form in the cheeks.

Following the tide in large cities, which drifts toward specialization, Mr. Folk entered upon what has proved to many the most lucrative field, that of corporation law. He soon found clients, the pigeon-holes of his desk commenced to fill with briefs, he became a familiar figure in the courts, and his bank account increased steadily.

Two events that occurred in the year 1896 did much to shape his future. One was his marriage, on November 10, to Miss Gertrude Glass, a daughter of Tennessee, who has proved a helpmate, as well as a life companion; the other, his election to the chairmanship of the Jefferson Club's campaign committee.

This political organization, which since has grown to be in St. Louis what Tammany is in New York, was then in its infancy, composed of the younger party workers and installed in modest quarters. Mr. Folk, a democrat from tradition as well as principle, had joined the club soon after arriving in St. Louis and had become a hearty worker in its behalf. No man can say that his labor was with a view to personal upliftment in office, for he carefully avoided the use of his name in any such connection and devoted his energies to the good of the party.

So well did he serve on the campaign committee that in 1898 he was elected president of the Jefferson Club, a position he held one year, during which time he succeeded in largely increasing the membership of the organization and placed it on a sound financial foundation.

In 1900 occurred the great street railroad strike, when a paralysis of business in the retail district fol-



lowed a stoppage of human traffic, when cars were blown from the track with dynamite, and persons were dragged from the platforms by incensed friends of the men who had left their positions. When matters were at the gravest stage the plea of many citizens that the difficulties be settled by arbitration was listened to and the task of adjudication was placed in the hands of Joseph W. Folk. He was successful. On July 2 the labor trouble was ended, as a result of his endeavors, and cars commenced running again.

This brought the young man into the public eye and he was seized upon to ride on the crest of the reform wave which was slowly but surely gathering momentum. The time was that described in the first chapter, when the mayor advised citizens to be content with moonlit streets, when bribery had become a matter of joke at the city hall, and when plans had been formed to transfer the fire department to private hands and sell the court house to a syndicate.

The men who spoke of reform were of three classes—honest individuals, who desired a better city government, because it was a right; beneficiaries of special privileges, who feared they might lose what they had gained and who joined in the cry, "stop thief!" because they had successfully run to cover, and politicians who were on the outs—the city had long been republican and democrats were seeking its control.

In the summer of this year—1900, the year when national politics overshadowed local issues—Joseph W. Folk was asked by a committee of the St. Louis democratic organization to accept the nomination for circuit attorney. He refused, saying that he had no desire to hold office and that to relinquish his practice of corporation law would prove a financial loss. They called upon him a second time and urged a reconsideration. He replied that he could not do so. They visited him again, and among the number were earnest pleaders, who talked of the weal of the party and pointed out that at certain times a man must abandon individual desires. Then Mr. Folk reluctantly permitted his name to be used.

At once the question arose, Would the rank and file support him? The bosses soon determined that. Was he not a straight democrat? Had he not been president of the Jefferson Club? Was he not popular with the masses because of his action during the strike? Yes, they would support him, and word was passed that Folk was "all right." Occasionally, during the canvass, a particularly nervous politician would ask, "What does this man Folk mean by continually harping on the statement, that if elected he will do his duty, no matter whom it may harm?" The answer would be: "Don't worry. That's good campaign thunder. Others have said the same thing and it always goes with the crowd. Joe is a good boy and he knows who his friends are. Besides, we want to show up some of the Ziegenhein crowd."

On election day, November 4, 1900, the reform element and the Butler Indians walked arm in arm to the polls and Joseph Wingate Folk was elected circuit attorney of St. Louis by a plurality of three thousand.

January 2, 1901, Mr. Folk was inducted into office and then the light slowly began to dawn that he intended to fulfill his ante-election pledges. Edward Butler was the first to see the shimmer of truth. He called at the Four Courts—for such is the name of the building where the criminal courts have sessions, and where the jail is located—congratulated the young man upon his success, then suggested that a Mr.——— would be a wise choice as an assistant. Mr. Folk smiled—that smile is as inseparable from Folk as is the stare from the Sphinx, and it is as inscrutable, masking his every emotion—and replied that he had already made choice of his assistants; then he named them, Andrew C. Maroney and C. Orrick Bishop, both well-versed in criminal jurisprudence, upright and honorable men.

Butler arose from his chair in surprise. Such appointments would never do, he said. The party must be consulted; there were other men who were entitled to the positions, indeed, they had been promised them.

Mr. Folk quietly replied that he had made no such promises.

What did that matter? shouted Butler. Did he, the circuit attorney, not know the game of politics? The promises had been made by the party leaders and they must be kept; duty to his party demanded that he name as assistants the men who were on the slate.

"As circuit attorney I am neither a democrat nor a republican. I am an official and I shall do my duty, regardless of what it may cost," was the quiet, firm rejoinder.

Edward Butler left the office dumfounded. In all his experience it was the first time that his power had been defied. The news went abroad that there was a mutiny in the crew and that the leader was the young circuit attorney. Simultaneously came the fiat that he should be forever politically dead, never to hold office again.

Soon word was passed along political channels that Mr. Folk had not only rebelled against the established order of things, but that he had become guilty of the basest ingratitude, by securing indictment for fraudulent voting of men who had worked for him at the polls. This time not only Edward Butler, but other bosses of high and low degree visited his office and even called at his home, protesting that such unheard of proceedings should stop. "Catch the republican rascals if you can," said they, "but leave our men alone."

Again that smile and again that quiet answer that as circuit attorney he knew no party.

A few months later there came another shock. Folk had commenced proceedings against straw bondsmen. Not content with denying the right of bosses to dictate appointments, not content with prosecuting henchmen, who had violated the election laws for the sake of party he was now touching their pocket-books by putting an end to the time-honored custom of shielding criminals for a financial consideration. More persons climbed the stairs leading to his office, in effort to stop

this procedure, than had on previous occasions. But their fate was the same as that met by their predecessors—the circuit attorney was not to be swerved from doing his duty.

Thus a year passed. There were mutterings against him in the party ranks, occasionally a citizen would remark that the young lawyer was the man for the place, and occasionally a commendatory paragraph appeared in a newspaper.

But ninety-nine out of one hundred St. Louisans had lost sight of the circuit attorney and he was unknown outside the city.

Then, one year after he had entered the office, came a flash that caused Joseph W. Folk to stand out as a national figure, shining against the dark background of corruption.

## CHAPTER IV

### A BLUFF THAT WON

ONE afternoon toward the middle of January, 1902, Circuit Attorney Folk was seated in his office and conversing with William C. McCarty, a reporter for the St. Louis Post-Dispatch. A newspaper carrier entered the room and lawyer and writer each securing late editions, began to familiarize themselves with the contents by glancing at the headlines. Mr. Folk scanned page one of the St. Louis Star, turned over the inside pages and was about to cast the journal to one side and pick up another when his attention was attracted. He read carefully, straightening up in his chair as he did so, and fixed his gold-rimmed glasses more firmly on his nose.

"Mac," he said finally, turning and passing to his visitor the copy of the Star, "if there be proper foundation for this story it is well worth space on the front page, and it could carry flaring headlines at that."

The newspaper man read what the circuit attorney had indicated. In the parlance of the fourth estate it consisted of a stick and a half of matter under a two-line head, and the types had it that a rumor was afloat to the effect that a sum of money had been placed in escrow in a certain bank by certain capitalists who had desired the passage of a street railroad ordinance and that they had intended the funds for distribution among the members of the municipal assembly. There had been some hitch in the deal, the article went on, and the money had become a bone of contention between the parties to the transaction.

No names of persons were mentioned; no one bank was indicated; no railway corporation was specified.

"What are you going to do about it?" asked Mr. McCarty.

The circuit attorney smiled and lighted a cigar. After expelling a few puffs of smoke he quietly said:

"I shall investigate, and if I find sufficient to warrant further procedure I shall place the matter before the grand jury."

And the conversation drifted into other channels.

Before he left the office that evening, Mr. Folk had learned from the editor of the Star that the article which had attracted his attention was written by James M. Galvin, a reporter on that newspaper. The next morning Mr. Galvin visited the circuit attorney at the latter's invitation, and the two were closeted together for nearly an hour.

The interview was not very satisfactory. The reporter knew little more than he had written. What he had heard was something his informant had been told by another. But the manner of its telling and the relation of a few minor circumstances convinced Mr. Folk that the story was true and he at once arrived at the correct conclusion that the reason even these few facts had been made public was because one faction, by permitting a dangerous rumor to become common property, had hoped to frighten the other into relinquishing control of the money.

At this date two street railroad companies were operating in St. Louis—the St. Louis Transit Company and the St. Louis and Suburban Street Railroad Company. It had been common report, in 1898, when the first named corporation was organized and secured control of several independent lines, that additional franchises had been obtained by means of bribery. That there had been no recent legislation which concerned the Transit Company, Mr. Folk soon ascertained, and he also learned that the Suburban people had been before the Municipal Assembly with a most important measure, one which, if it had become a law, would have given them control of several additional streets in the West End and a long-coveted entrance into Forest Park.

An examination of records proved that the desired measure had passed both houses of the assembly and had become effective in so far as the law-creating body was concerned, but its clauses had been annulled by decree of court.

Here, then, was circumstantial corroboration of the rumor that had been published in the Star. Evidently a sum of money had been placed in escrow, for the purpose of bribing assemblymen. The latter, to earn their wage, had voted as the street railroad had dictated. But before the price could be paid the courts had stepped in and had rendered void their efforts..

The friction then was between the Suburban Railroad people, who refused to pay over the money because they could not enjoy the fruits of victory, and the assemblymen, who insisted that, having passed the ordinance, they had fulfilled their bargain and were entitled to the spoils, notwithstanding the courts had declared their action unconstitutional.

Mr. Galvin brought the circuit attorney additional information, to the effect that negotiations in this deal had not been carried on through a regular boss, but that Philip Stock, agent of the Brewers' Supply Company, had been the go-between.

Satisfied that a crime had been committed, Mr. Folk at once proceeded to do his duty.

The next day subpoenas, commanding appearance before the grand jury, were served on every man who had been a member of the municipal assembly when that body passed the Suburban franchise bill and upon clerks and other officers of both houses. Officers of the street railroad company, bank cashiers and book-keepers and other persons who in some manner might have a knowledge of the transaction were likewise ordered to visit the inquisitorial chamber.

One might suppose that this flood of summonses caused consternation. It did not, because the boodlers were too strongly entrenched to fear an attack; bribery had been too long rampant to expect a sudden pruning; and too many prominent St. Louisans were involved to permit the esclandre going very far.



Flaring headlines in newspapers announced that an inquiry was on, but such editorial comment as appeared made light of Mr. Folk's actions and prophesied another flash in the pan.

An uproariously merry crowd assembled in the ante-room to the grand jury chamber on the morning after Mr. Folk had opened his batteries. Members of the council and the house of delegates cracked jokes at the expense of the young lawyer and told stories to while away the time until they should be called.

Occasionally a name would be pronounced by a deputy sheriff and the person indicated would pass into the room where the grand jury was in session. He would soon come out, smiling broadly, and would wink in high glee to his comrades.

"What did you say, Bill?" would be asked.

"Nawthin'. I don't know nawthin'," he would reply. Then, "Nawthin'. We don't know nawthin'," they chorused in rejoinder, and that became the slogan.

"Go in Yulius, and tell what you know about putting lights on the water tower." This to a delegate who had long posed as the clown of the house.

Soon he came out—Julius Lehmann, representing a ward in the north end of town.

"What did you say, Yulius?" they cried.

"Nawthin'. I don't know nawthin'."

And all repeated: "Nawthin'. We don't know nawthin'."

They were jubilant and became more so as the hours passed. The railroad magnates had been given a good scare. Now they would come to time and distribute the money.

It became necessary for these men—the railroad officials—to face the inquisitors. They went in, one by one, and they scowled fiercely at the assemblymen as they passed them by. At which the legislators laughed even more heartily, for the Missouri law provides equal punishment for bribe-givers and bribe-takers, and these wealthy men could not afford to incriminate themselves.



Evening drew near. The witnesses were dismissed and Circuit Attorney Folk sat alone in his office.

Had the young lawyer been willing to admit it, that day would have passed into St. Louis history as his Waterloo; had he been built of less sterner stuff, the investigation into the municipal corruption would have ended then and there. Not a witness that had been examined had admitted a material fact upon which an indictment could be found. One and all had denied knowledge of any corruption fund and any connection therewith.

But the thought of retreat never entered his mind. To understand why this was, one must become acquainted with another phase of Mr. Folk's character; that is, his confidence that right will prevail.

He sat there, wearing his smile-mask even in his solitude, smoked cigar after cigar and planned another battle.

Early in the morning the first gun was fired. Charles H. Turner, president of the St. Louis and Suburban Railroad Company, and Philip Stock, agent of the Brewers' Supply Company, were summoned to the circuit attorney's office.

"Good morning, gentlemen," said Mr. Folk, when they entered. "Please be seated," and he smiled graciously as they drew up chairs.

Then suddenly, without altering his tone of voice, and without changing his expression, he added:

"Unless you appear before the grand jury within forty-eight hours and tell everything you know concerning the placing of money in escrow for the purpose of bribing members of the municipal assembly, I shall send you both to the penitentiary."

The visitors paled. "I—I," stammered Mr. Turner.

"That is all," said Mr. Folk, abruptly. "Good morning, gentlemen."

They left his office bewildered. Where had he learned the facts? That he had learned them they were confident. This was but one instance out of many that followed in which Mr. Folk communicated

his confidence to others. Some persons called it hypnotism.

From the Four Courts Messrs. Turner and Stock went to the office of Charles P. Johnson, once lieutenant governor of Missouri, and famed throughout the West as a criminal lawyer, an attorney whose brilliancy had been marked in the Deustrow murder trial, the Jett murder trial and other cases of note. They told him what had occurred.

"Don't worry," said the governor. "Sit down here and wait while I attend to the young man."

An hour later they met—the veteran of many a hard-fought legal battle and the youthful circuit attorney.

"What does all this mean?" cried the governor, making himself comfortably at home.

"Exactly what I told your clients," replied Mr. Folk, smiling. "Unless they appear before the grand jury within forty-eight hours and tell everything they know concerning attempted bribery of the assembly, I shall send them both to the penitentiary."

The governor looked at the smiling face earnestly. He became convinced that the circuit attorney was in a position to do what he threatened. He went back to his office. "You had better turn state's evidence," he said to the millionaire and his lieutenant.

No truer comparison of the position of Mr. Folk at this day can be made than with that of a poker player who has drawn to a flush and failed to fill, who knows there are strong hands out against him, yet who is so confident of winning on a bluff that he pushes to the center of the table not only all the money he has at hand, but all his worldly possessions and, moreover, adds to this total with mortgages on everything in the future.

For Joseph W. Folk well knew that if Charles H. Turner and Philip Stock refused to turn state's evidence he had not one iota of proof to adduce against them in court and would be unable to fulfill his threat of sending them to the penitentiary. He knew that failure on their part to yield would not only put an

end to the investigation then in hand, but would make him the laughing-stock of the community, therefore useless as a public officer; and discredited in this, his first trust, he would return to private life a failure.

These were facts which stared him in the face when Governor Johnson left his office for he did not know that the great criminal lawyer had been convinced as he had wished to convince him; he knew nothing of the advice given by the attorney to his clients a half hour later; he only knew that the die had been cast and that the next play must come from the other side.

For thirty-six hours not a move was made. During that time Mr. Folk attended to his usual duties around the Four Courts and no one noticed any change in his demeanor; there was no lessening of his habitual smile.

Then Charles H. Turner, president of the St. Louis and Suburban Street Railroad Company, and Philip Stock, agent of the Brewers' Supply Company, knocked on the door of the grand jury room, and gaining admission, told the entire tale of what has become known as the Suburban bribery case.

Joseph W. Folk had won.

## CHAPTER V

### THE SUBURBAN DEAL

MR. TURNER'S narrative before the grand jury, which subsequently was made public by testimony in open court, exposed in detail the operations of "combines" that had been formed in the council and the house of delegates for the purpose of marketing legislation.

The St. Louis and Suburban Street Railroad Company had desired a franchise that would permit their cars to run through certain West End streets and enter Forest Park, which accessions to the right of way would create as comprehensive a system as that enjoyed by their powerful rival, the St. Louis Transit Company. When the subject of these additional franchises was discussed by the board of directors it was estimated that if the desired legislation could be secured their property would double in value; from a \$3,000,000 system it would become worth \$6,000,000, and the Transit Company would probably buy them out at that figure.

It was a tempting proposition; to make the endeavor was approved by a unanimous vote, and the details were left to Charles H. Turner, the president. Mr. Turner testified before the grand jury, and repeated the assertion at subsequent trials, that none of his associates ever questioned him concerning the methods to be employed and that he never consulted with them as a body in regard to his action.

Well versed by previous experience as to the attitude of the assemblymen toward special privilege legislation, he visited the boss, Edward Butler, and asked him what it would cost to have the ordinance passed by the upper and lower houses.

"My fee will be \$145,000," was the reply.

Mr. Turner demurred; it should be done for a less sum; would not \$100,000 be sufficient?

It would not, answered the boss. The amount first named or nothing, was his ultimatum.

Mr. Turner reckoned that he knew a thing or two about legislation and decided to make use of other channels for obtaining the desired end.

How he happened to employ Philip Stock for this purpose, or what special qualification Mr. Stock had, beyond training as a lobbyist gained while agent for the Brewers' Supply Company, has not come to the public's ear. The story opens with Mr. Stock as the representative of Mr. Turner, conferring with certain assemblymen about the price for which they would sell a majority vote in both houses. For several weeks he was unable to bring about an agreement, and finally he told Mr. Turner that the desired result could not be obtained for less than \$135,000—\$75,000 for members of the council, the remainder for the house of delegates—a figure only \$10,000 less than had been named by Edward Butler.

The price of the bribe having been determined, it was necessary to arrange the details. Had he been dealing with Mr. Butler the street railroad president would simply have paid over the money, knowing that it would be in safe hands and that the "boss" would return it if for any reason the contract could not be fulfilled. But he did not sufficiently trust the assemblymen to give them possession of such an amount until they had rendered the *quid pro quo*, and they in turn refused to trust either Mr. Turner or Mr. Stock to the extent of aiding the street railway, with no recompense in sight save a promise of payment after the bill should become a law.

So it was mutually agreed that the bribe fund should be placed in escrow, conditioned that it could not be distributed without the joint sanction of an agent of the railway and an agent of the legislators.

This settled, Mr. Turner looked about him for the

ready cash, money being the only consideration that would tempt the aldermen, who were suspicious of checks and collateral security. The president could not draw this sum from the treasury of the street railroad without consent of the board of directors, and he knew some of the members would not approve the proposed action. So he called upon two of his associates, Henry Nicolaus and Ellis Wainwright, and asked them to join with him in signing notes. Mr. Turner has testified that he did not reveal to these gentlemen the purposes for which he desired the money and that they gave the use of their names on the notes, the face value of which was \$135,000, solely as a personal accommodation, and without questioning the channels into which the proceeds realized from the paper were to be turned.

With such security it was no difficult matter to secure discount at a bank in South St. Louis, and Mr. Turner, who negotiated the deal, instructed the cashier to pay the money to Mr. Stock upon the latter's demand.

When the agent had been told that this necessary preliminary had been arranged, he sent for John K. Murrell, who had been agreed upon as the representative of the house of delegates' combine and the two went to the Lincoln Trust Company, Mr. Stock carrying in his pocket \$75,000 in bills of various denominations. There they rented a safe deposit box and subscribed to a statement, placed in the bank's books, to the effect that the box should not be opened unless both were present. The money was placed in the receptacle, which was locked, and a duplicate key was given to each.

That having been accomplished, Mr. Stock secured \$60,000, which had been realized on the second note, and with Charles Kratz, who had been appointed by the combine members of the council as their representative, he went through a similar performance at the Mississippi Valley Trust Company.

Everything was now in readiness. The two com-

bines had promised to pass the desired legislation and Mr. Stock had agreed that so soon as the bill became a law he would release the money and the agents could divide the plunder. Then the bill, which had been carefully drawn by the railway's attorney, was introduced simultaneously in both branches of the assembly, and, following the usual course, was referred to the railroad committees.

Several weeks passed and Mr. Stock reported to his principal that there was a hitch somewhere. The combine members were all right, he said, but there was another part of the machinery that needed oiling. A close survey of the field caused him to decide that Emil Meysenburg, a member of the council committee on street railroads, was the wheel out of gear. This was an awkward contretemps, for Mr. Meysenburg had always been known as an upright man and had not joined other members in their raids on corporations and individuals.

So Mr. Stock called on Mr. Meysenburg and questioned him concerning his opposition to the measure.

"I don't think the bill is in the interest of St. Louisans," was the reply of the alderman, who, by the way, was a wealthy broker, rated worth several hundred thousand dollars.

At another meeting Mr. Stock asked Mr. Meysenburg if there was not some way in which his convictions could be changed.

"I tell you what," was the reply. "Some time ago I got into a deal and bought some stock in a company where Turner was a director. That stock is now worthless and I don't see why I should be asked to do anything to please Turner."

"Ah," said the agent. "But what if we buy that stock from you at par value?"

"See Turner, and let me know what he says," answered Meysenburg.

A few days later the brewers' agent again called on the councilman. "All right," he said. "We'll buy the stock from you."



"That's no more than you should do," said Meysenburg. "But mind you, *I* don't promise to do anything."

Stock smiled, passed over \$9,000 and Mr. Meysenburg handed him some papers.

At the next meeting of the council committee on street railroads the Suburban bill was reported favorably to the main body.

Thus the corruption fund had been swelled to \$144,000, only \$1,000 less than the amount named by Boss Butler as his fee. But when one figures the interest and discounts that had to be paid for the notes cashed in bank and the money which must have been paid to the man selected to act as go-between, it will be seen that the Suburban's president had not made the bargain he had planned.

All the roads being clear, in due time—not too soon, for that would have aroused the suspicion of the public—the combine members in both houses passed the desired legislation, and, being approved by the mayor, it became a law.

"Now for a division of the spoils!" cried the booblers, and a day was set when Charles Kratz and John K. Murrell should visit the trust companies and take from the safe deposit boxes the greenbacks for distribution.

Before this could be accomplished, however, the unexpected happened. On complaint of several citizens that the new ordinance infringed upon the city's charter and was therefore unconstitutional, a temporary injunction was issued by the circuit court.

"Wait until this is settled," said President Turner, and Mr. Stock so informed the combine's agents. They resented the delay, and angrily insisted that having done what they had promised to do, they were entitled to the reward. But as Mr. Turner was obdurate and they could not get into the vaults of the safe deposit companies without the assistance of Mr. Stock they were compelled to bide their time.

It has been hinted that Boss Butler put into the ear



of certain citizens the flea that led to the appeal to the courts, and that he did so as a warning to Mr. Turner and all others seeking special privileges that in the future if they wanted anything done they must treat with him. Be that as it may the point was well taken, the St. Louis and Suburban Street Railway Company, being asked to show cause why the injunction should not be made permanent, failed to make a case; the lower court was sustained on an appeal, and the franchise ordinance became worth less than the paper on which it was written.

Soon after this happened Mr. Turner suggested to Mr. Stock that the money should be withdrawn from the banks and Mr. Stock took the matter up with Messrs. Kratz and Murrell. "Yes, it can be withdrawn," they said, "if you will let us distribute it as you promised. We have carried out our agreement and are entitled to the funds."

"That is ridiculous," was Mr. Turner's message. "Why should we pay you \$135,000 when we have received no return therefrom? We are more sorry than you that the law has been declared unconstitutional, and we lose more thereby. Come, let us straighten that matter out with the banks by returning the money we borrowed."

"Not on your life," was the forceful rejoinder. "We get the cash, or it will remain where it is."

Months passed with both sides at loggerheads, Mr. Stock refusing to visit the safe deposit vaults with Messrs. Kratz and Murrell unless the latter agreed to the return of the corruption fund to Mr. Turner, and the aldermen refusing to accompany him unless they be permitted to divide the spoils.

After a time the boodlers decided to force Mr. Turner's hand. They would allow certain facts to become public property, then the reports would reach the ears of the Suburban directors, the president would become alarmed and he would agree to their terms so as to shut their mouths.

Such was the narrative told in the grand jury room

by Charles H. Turner, president of the St. Louis and Suburban Railroad Company, and corroborated by Philip Stock, agent for the Brewers' Supply Company.

And when they had come to the end of the tale Mr. Folk knew that at last he had everything in his own hands.

## CHAPTER VI

### BRAVADO, THEN FLIGHT

ON January 29, Charles Kratz and Emil Meysenburg, members of the St. Louis council, and John K. Murrell, member of the house of delegates, were arrested on bench warrants charging bribery, true bills having been returned against them by the grand jury. Bail was promptly furnished and no one was compelled to go behind prison bars.

The excitement caused by these arrests was not of the panicky kind, and it was noticed that the exclamations were as if some other community had been the scene of action. When we read of an earthquake having demolished a city in South Africa, the feeling is far different from what it would be were our own homes shaken to the ground; and so in St. Louis that day, and for several days to come, people treated the subject of bribery as foreign to the city and an episode that would soon be forgotten. The boodlers had so long been active and were so firmly intrenched; and, moreover, so many prominent men were either joined with them or had benefited by their actions, that no one believed the steps of prosecution could go very far.

Kratz and Murrell, a little down-hearted at first, as men naturally are when they feel the hand of the sheriff on their shoulder, were soon rallied by their comrades. People gripped their arms and said, "Don't worry, boys; it'll all come out right! We'll see you through." They were treated to numerous drinks, and finally, in the evening, they attended a meeting where there was much flamboyant talk concerning the methods to be employed to defeat the circuit attorney, and where the loving cup was passed many times: and when the in-

dicted aldermen wended their way homeward they thought of themselves as martyrs, and were convinced that the days of their martyrdom would not be many.

Mr. Meysenburg did not hobnob with the friends of Kratz and Murrell, nor join in the scenes of jollity that were the sequent of the day. Instead, he called upon his acquaintances in the business world and visited the newspaper offices, maintaining to all stoutly, wherever he went, that there must be some mistake, for he had never been offered a bribe, much less had he received one, and he "would have knocked a man down should he have proposed such a thing." He pointed to his record in the council, and his friends, knowing that he had shunned the combines and had not been associated with any of the gangs that had gained unpleasant reputations, believed what he said and were convinced an error had been made.

The day following these arrests and for several days thereafter, men of all political complexion and from all walks in life, visited the circuit attorney and endeavored to convince him that he was making a mistake. Some advised, as friends, to let matters rest. You have done sufficient, they urged. You have frightened the boodlers so that they will not touch a bribe for many a day, and that should be glory enough.

Others spoke of the fair name of St. Louis. We all knew that this was going on, they admitted, but do you think it wise to stir up such a mess, particularly on the eve of the Louisiana Purchase Exposition? Wouldn't it be well to stop now? And they also argued that the boodlers had become alarmed.

A third class gave Mr. Folk to understand that he could have a bright political future if he would listen to reason, and reason meant lax prosecution; and they also gave him to understand that if he did not listen, he would have more bitter enemies than any man in the city.

To one and all the circuit attorney replied that he was doing his duty; that he knew no politics and no friendships while in the office; that those who had

done right could not be affected by his actions, and that wrong-doers would and certainly should suffer.

After a few days of this sort of thing the boodlers became worried. They could be seen gathered in groups of three and more; there were reports of meetings held for the purpose of raising funds for defense and Kratz and Murrell were advised to employ eminent counsel.

Some persons asked: "Why does not the circuit attorney secure the indictment of bribe-givers, as well as bribe-takers?" A dual answer was at once forthcoming. The first part of it was an announcement that Messrs. Turner and Stock had rendered valuable assistance to the state, and that it was the usual practice in such instances to grant immunity, and although immunity had not been promised, yet an attempt to prosecute them would probably be frowned upon by the judges; the second part of the answer was the issuance of warrants for the arrest of Henry Nicolaus and Ellis Wainwright, the men who had signed the notes with Mr. Turner, both of them millionaire brewers. Mr. Nicolaus appeared at the Four Courts soon after he heard of the indictment, and bail was immediately furnished for him. Ellis Wainwright could not be found in the city, and it subsequently developed that he was in Egypt.\*

Probably nothing so convinced the boodlers that Mr. Folk was determined to push the cases than the issu-

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\*Mr. Wainwright has remained abroad ever since the finding of the indictment, and has been in Paris most of the time. Several months ago he delivered a power of attorney into the hands of a St. Louisan, and disposed of all his property interests in that city, which is indicative of his intention never to return. A warrant for his arrest is still in existence, and could be served anywhere in the United States, but owing to bribery not being mentioned as an extraditable offense in any treaty which the United States has with a European government, he is safe across the seas. His friends have frequently urged his return, especially since the acquittal of Mr. Nicolaus—a story to be told—believing that he would be exonerated, but Mr. Wainwright has preferred not to face the ordeal.

ance of these warrants. The circuit attorney had struck at the heads of the mighty, and from that moment it became war to the knife, all elements that had been benefited by special legislation uniting to undo work performed by the prosecutor and if possible to prevent further action.

News from the Four Courts convinced them that no time must be lost; the word brought by the faithful who were in a position to betray the circuit attorney's actions, was that he was continuing the investigation and had branched from the Suburban deal into other matters that had occupied the municipal assembly.

Then it was that men consulted attorneys and questioned them concerning the statute of limitations. After which the majority breathed easier, for the law stated that no one could be prosecuted for bribery after three years had elapsed since the commission of that crime, unless he had been a non-resident of the state the while. But those who had committed the offense within that period had no surcease, and they sought other methods of salvation.

Neither Mr. Turner nor Mr. Stock could testify under oath as to the individual members in council and house who expected to share the bribe money. Of course they had been told by the legislative agents who their "friends" were, and, moreover, the roll call had again given the information, but this was not evidence admissible in open court.

Therefore, none of the combine could be convicted if Kratz and Murrell stood them true and refused to divulge their identity. Would they do this or would they turn state's evidence, in an effort to save themselves?

Murrell and his brother were livery stable keepers in a small way. Some of the assemblymen feared him, believing that he was weak, and they advised that it would be better for him to be placed beyond temptation. How would he like foreign travel? Would he not prefer journeying in a distant land to the troubles and tribulations of a trial, and the possibility of conviction?

He would not have to be an exile long, for all this would soon blow over. They again consulted attorneys, those versed in international law this time, and found that any country would be a safe place of refuge, as the crime of bribery had, strangely enough, been omitted in the specifications of extradition treaties. That simplified matters, they added. Mr. Murrell could take a little jaunt in Mexico until the skies should clear. It would be no more than a summer's outing, and they would pay the expenses.

Therefore, it came to pass that when the name of John K. Murrell was called by the bailiff in open court on March 16, there was no reply. Judge, lawyers, prospective jurymen and spectators looked around inquiringly, and the bailiff called again. No answer. The bond given in behalf of John K. Murrell was declared forfeited.

Mr. Folk at once caused all other defendants in the Suburban case to be brought into court and their bonds were increased until they were larger than any ever named in Missouri.

A week later the trial of Emil Meysenburg was commenced. It was generally admitted around the Four Courts that this was the weakest of all the cases and surprise was expressed that Mr. Folk should have elected to make it the first issue. Mr. Meysenburg and his counsel were confident of an acquittal; nevertheless not a point was overlooked, and every stratagem known to the practice of criminal law was resorted to.

It developed from the evidence that the payment which Mr. Meysenburg accepted for his worthless stock was a check for \$9,000, and the attorneys argued that although he immediately cashed the same, yet the paper described in the indictment was not of legal tender, and therefore there was error in the document. It was believed the judge might take the case away from the jury at this time, but he did not do so.

The main defense, aside from this, consisted in the testimony of character witnesses who vouched for the sound business standing of the broker, and the plea



that as Mr. Meysenburg had made no promise concerning the Suburban bill, even when the worthless stock had been purchased, and in fact, had expressly stated that he could do nothing for the railroad people, he had not been guilty of bribery.

Long arguments followed the testimony, and for the first time St. Louisans crowded the court room, to listen to a circuit attorney who was doing his duty.

They heard a caressing, pleading voice, with confidence the keynote, which rang the changes on the crime of bribery, telling of the danger to state and nation that it bore, and when Mr. Folk had finished, everyone in the court room knew that the jury had been convinced—not so strongly that Mr. Meysenburg had been technically convicted of a certain crime—but that they had been selected to purge St. Louis.\*

And they brought in a verdict of guilty, sentencing the broker to three years in the penitentiary.

Alarm ran through the city that night. The old guard of leeches took counsel again. For the first time a man had been convicted of bribery. Four days later Charles Kratz was missing, and it became noised about that his property, the estimated value of which was \$300,000, had been placed in the hands of his brother as trustee.

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\*The decision of the tribunal was subsequently reversed by the Supreme Court and the case of Mr. Meysenburg remanded.



## CHAPTER VII

### A CORPUS DELICTI

**B**EFORE the flight of Murrell and Kratz, and before the conviction of Meysenburg, Mr. Folk had executed a master-stroke, the result of which marked this bribery case—the Suburban—as unique in criminology.

That he turned the trick so easily as he did was further proof of his ability to inspire confidence in his fellowmen, and his success in this as in other matters, at a time when so much hung in the balance, gave his future actions more weight than would have been the case had even a trivial failure marked any stage of the beginning.

It will be remembered that Mr. Turner and Mr. Stock informed the grand jury that the bribe money had been deposited in safe deposit boxes of two trust companies. It came home to Mr. Folk with much force that no better evidence to place before a jury could be had than these bills—they would be as valuable as the *corpus delicti* in a murder case. And again, a suspicion lurked in his mind that the money might not be *en cache*, as had been confessed—it was barely possible that he had been told a cock-and-bull story; or before the cases should come to trial, peace might be made between the warring factions, and the money might be withdrawn. Then they could laugh at him.

He is not a person who does things by halves, and within twenty-four hours after the confession had been made, he went forth with one of his assistants and walked east on Pine street to the offices of the Lincoln Trust Company.

An unheard of demand was that made by the young

circuit attorney. What! Open the safe deposit box belonging to another, and sealed under certain conditions set forth in writing? The officers said they could not think of doing such a thing.

Mr. Folk replied that they must not only think of it, but their minds must move swiftly; and he demanded that the box be opened for his inspection within fifteen minutes, enforcing the demand by stating that it was made by the State of Missouri, and not by a private individual.

The officers did think it over and at the end of the quarter of an hour they accompanied Mr. Folk into the vault and stood beside him while he fitted in the lock a key that had been given into his keeping by Stock, the go-between.

It was a solemn minute when they were assembled there, down below the street level. Separated from them by a thin steel wall were funds which a dozen men had risked their liberty to secure, or else there was nothing, in which event this exposure was but a flash in the pan. The key was turned, the lock snapped, the box, sliding easily in the well-oiled grooves, came forth and was placed on a table. Mr. Folk drew back the lid and there was revealed a package wrapped in paper. He took it up and tore the wrapper, exposing bills of various denominations—hundreds, fifties, tens and twenties. He counted them slowly and the sum total was \$75,000. The truth had been told him.

"Gentlemen," he said to the bank officials, "I shall leave this here under your charge. Nobody must be allowed entrance to this box unless by order of the court."

Then he continued further east, to the building occupied by the Mississippi Valley Trust Company, where he gave voice to a demand similar to that made upon the Lincoln Trust people.

Here there was more resistance. They would not listen to his proposal. A safe deposit box was sacred, and no person could open one unless his name appeared on the books, and in this instance both parties who sub-

scribed to the agreement must be present, was their reply.

Mr. Folk argued for a few minutes, then noting that his words were falling upon deaf ears, he turned abruptly toward the door.

"I am going immediately to the Four Courts," he said. "Within an hour I shall cause to be issued a warrant, charging you with being accessory to the crime of bribery."

He was permitted to walk in the direction indicated for the distance of a block, then was called back. The officers had decided to let him see the interior of the box, rather than have any trouble. So a second procession wended its way into an iron room where valuables are stored, a second key was inserted in a lock, and again a box was brought forth. Like the other, this contained a bundle, and the bundle, as in the other case, proved to be of greenbacks of different denominations, the sum total being \$60,000.

It has been freely stated by lawyers that Mr. Folk could not have enforced his demand to open the boxes had the bank officials desired to prevent his doing so, and if they had had time to seek counsel they might have resisted. But Mr. Folk give them no time; moreover, he convinced them that he had power to punish if they should fail to acquiesce, and thus he conquered.

After that day, at every trial of men indicted in connection with the Suburban bribery deal, these two bundles of money have been brought into court and Philip Stock asked to count them. And judge, lawyers, jury-men and spectators crane their necks while the legislative agent calls off in sing-song voice, "One hundred, two hundred, two fifty, three hundred," etc., until he announces, "one hundred and thirty-five thousand dollars, sir. Yes, these are the bills that were to have been divided."

It is evidence that cannot be disputed; a *corpus delicti* that identifies itself.

## CHAPTER VIII

### MR. FOLK AND THE PUBLIC

**D**URING the first three months of the boodle inquiry, Mr. Folk was in danger of bodily harm. Evidence of this were the threatening words overheard on the streets, the glowering looks cast upon him, both in the court room and other public places, and the letters of warning that came by mail. Some of these epistles were so grotesque in composition as to give birth to laughter, while the phraseology of others merited serious consideration. But one and all were thrown into the waste-paper basket by the circuit attorney, who expressed contempt for anonymous communications, and said he had no fear of assault by anyone who would make use of such an instrument.

That there was danger he admitted. Not that the boodlers would conspire to put him out of the way, for that would cause a wave of condemnation prejudicial to their cause; but an over-zealous friend of some one who had been caught in the toils, might, when frenzied by liquor or egged on by his associates, resort to physical violence. Because of this possibility and because of the importunings of his wife, Mr. Folk permitted a detective to be at his heels for a time, but the espionage soon became irksome, and he requested his withdrawal. Again, he consented to ride in a carriage whenever downtown after nightfall, but this, too, he soon discontinued, and could be seen alone whenever business called him afield.

Not once during those trying days did he show the white feather; it was remarked that he seemed to have no fear, and if he ever experienced a tremor, it was not betrayed by expression or action.

And those were trying days; days when the young attorney received very little support from anyone, and carried on the fight single-handed. The newspapers were glad to blazon forth in black headlines the news which was created by his energy, but they were chary of editorial praise, and the majority of that which was published had a ring that was insincere. One powerful organ belittled the efforts that were being made, simply because Mr. Folk belonged to another party; the others hesitated in making known the position they intended to take until it could be determined which would triumph, the old guard of corruptionists or the vigorous prosecution; and they also feared that a general onslaught on bribers might affect some of the business interests with which they were identified.

The average man of affairs would stop on the way to his office and read the bulletins.

"Well, the young fellow is doing good work. I hope he'll keep it up; but that's too much to expect," he would exclaim, and continuing his way, would soon forget what was going forward until his attention happened to be attracted by another flaring headline.

In South St. Louis a powerful opposition was formed. Several of the brewers, resenting the indictment of Messrs. Nicolaus and Wainwright, marked the public prosecutor as their special prey, and he knew that they had many millions at their command for any purpose they might decide upon.

Great difficulty was experienced in having the work of the circuit attorney's office carried forward with the expedition that often means victory. The prosecuting attorney of New York City has a staff of detectives under his personal control, and the same is true in other places, but Mr. Folk was compelled to rely on the police force and the sheriff's deputies. The St. Louis police are controlled by commissioners appointed by the Governor, and the body is therefore a state organization. The element which Mr. Folk was combatting had for so long been identified with the machines in both parties that it was but natural to find

officers of the law, who had been drilled as part of a machine, reluctant to do his bidding. Because of this, some of his attempts were rendered abortive, and he had reason to complain that in affairs where secrecy was absolutely necessary, information was frequently given that defeated the end in view. The same difficulty was experienced with the sheriff's force, where other politicians did what they could to favor their friends when such were in danger.

These matters were remedied after a time, when the law-enforcing bodies learned that the young attorney was not to be trifled with, but they were annoying and harrassing while they continued.

Edward Butler appeared to greatly enjoy what was going forward. In an interview with a newspaper reporter he admitted that he had offered to secure favorable legislation in the interest of Mr. Turner's corporation, for the consideration of \$145,000, and he spoke at length concerning his fees, emphasizing the fact that any job which he undertook always went through, and there was no bungling. He was pleased that the amateurish methods of Philip Stock should have met with such signal failure, and laughed loud and long at the folly of the Suburban people in using safe deposit boxes for the storage of bribe money. Of Mr. Folk he would say: "Joe is a good fellow, but he's young yet, and has much to learn. He'll get tired before long, and then things will settle down."

Mr. Butler was frequently consulted by members of the different combines concerning the steps to be taken under the circumstances, but to all such overtures he replied that they must get out of the scrape the best they could, and he chuckled as he added that another time they would know better than to deal direct with such persons as Turner and Stock.

During those days Mr. Folk had a few earnest supporters, but they did not number more than a half dozen. These friends would call regularly at the Four Courts and encourage him in his work, offering to do what they could in his behalf. Among them was the

Rev. Dr. W. W. Boyd, pastor of the Second Baptist Church, where Mr. Folk attended divine worship. This clergyman had been prominent in many reform movements inaugurated during years gone by, and he was one of the first to applaud the young lawyer's efforts; then he rendered valuable assistance, both with his voice from the pulpit and his counsels in private. Another man who early rallied to the support of the prosecutor was N. W. McLeod, a member of the lumber firm, Grayson & McLeod. He brought with him overtures of aid from wholesale merchants on Washington avenue, and later, when the question of Mr. Folk's work became a state issue, he rendered invaluable assistance to the circuit attorney.

Mr. Folk has said, since holding office, that ninety-nine persons out of a hundred are honest, but that the hundredth man is perniciously active. In those days he realized the force of his epigram; moreover, he found that the ninety-nine were slow in rallying to his assistance, while the remainder was always in evidence, and seemed to multiply.

The failure of the majority to at once appreciate the enormous task he had undertaken proved very discouraging, and on more than one occasion, during those early months, Mr. Folk spoke bitterly of the fact; but in the darkest hours he never expressed regret that he had undertaken the work, nor did he give the slightest intimation that he would lessen the vigor of his methods. Indeed, the more opposition, the more energetic did he become, until he had thrown his whole heart and soul into his endeavor; and always he wore that smile-mask which conceals his emotions.

"If you keep on as you have begun," I said to him, one day, in the spring of 1902, "you will be the next Governor of Missouri."

"I should like to be Governor for one reason," he replied, after a minute's silence. "There is a statute which empowers the chief executive to impanel a grand jury wherever and whenever he thinks it necessary.



and to enter any court he may select and take charge of the prosecution of any case. With such power one could expose the crookedness in the legislature, and the state needs that as much as St. Louis needs exposure of her municipal assembly.

In the light of future events, what a prophetic declaration!

During the summer months of the first year in which these boodle cases were being prosecuted, was held a congressional campaign, when James Butler, a son of the boss, who had been unseated at the previous session, went before the people for vindication. An attempt was made to entangle Mr. Folk in the controversy, but he was too clever to be caught. Then those persons who wished him to commit himself urged that even if he could not come out in favor of the democratic nominee at the head of the ticket, he should at least make public mention of his allegiance to those who were candidates for subordinate positions. But the lawyer pleaded that the duties of his office prevented his sparing time to attend the hustings, and he begged to be excused from attendance at any of the political gatherings.

Failing in their efforts to make Mr. Folk endorse certain individuals, his enemies gave voice to numerous reports to the effect that he had been read out of his party, not only by the "indians," but by the West End workers, who had been dubbed "silk stockings." It was said that he had exchanged bitter words with Harry B. Hawes, president of the Board of Police Commissioners—a party leader who wielded nearly as much power as Edward Butler—and that the two had parted as enemies. It was further said that Rolla Wells, the "reform" mayor, had turned his back on the young man, and because of this he was absolutely friendless.

That these stories had some foundation in fact is probably true. There was not a local politician in those days who did not exert his influence in a certain degree to deter Mr. Folk from doing his duty in so



thorough a manner, and not one of them but felt some resentment that not the least heed had been paid to his suggestions.

It was not until the anti-boodle campaign had been carried forward several months that material support was given by the citizens, and even then the contribution was only a few thousand dollars, barely sufficient to permit the employment of some additional assistance in the circuit attorney's office, and add to the prosecution of detective work that Mr. Folk had not cared to place in the hands of the police. Later, more monies were contributed, and when success after success had been scored, many citizens came forward with donations, and they even attempted to thrust upon the reformer \$15,000 with which to purchase a house, but the leader in the attack on Fort Boodle was wiser than the man who sailed into Manila harbor, and he refused the gift, saying that he wished no extra compensation for doing his duty.

Although at the outset and for some time thereafter, the natives of the Missouri metropolis were chary about giving words of encouragement, a different tone was heard throughout the state. The country press spoke more enthusiastically of what was being done than did the city dailies, (which is not surprising, for the country press is nearer the hearts of the people than are the machine newspapers of town), and visitors from rural regions were enthusiastic in demonstrating their approval. Very early in the struggle Mr. Folk was called to the door of his office one day by three men whose names were strange to him. One visitor was white of hair and bent with years. All were clad in the rough and ready suits that bespeak the farm.

"So this is Joseph Folk," said the patriarch of the trio. "God bless you, sir, for the good work you are doing; and may you never draw rein."

And the others added, "Amen."

They had come all the way from Boone county, Mr. Folk learned—and he recalled the fact that Boone county had always been a democratic stronghold.

From up-country came men to buy goods in the city. On Sunday, after several days passed in the wholesale district, they would go to church, as they had always done, but on Monday, instead of returning home, as they had always done before, they would visit the Four Courts and endeavor to catch a glimpse of Joseph W. Folk.

It became gradually noised about throughout the State that this man was doing things, and doing things none had dared do before him. Fathers pointed him out as an example for their sons to follow, and then these fathers, taking second thought, said among themselves: "Why would not this man, who fearlessly does his duty, be the proper person to place in power as the executive of this great commonwealth?"

That is how Mr. Folk's boom for the governorship started. No man knows just where or when it was born; it was a natural evolution.

In the meanwhile a change had come over the young lawyer. He had found no place sacred from the importuning individual who wished leniency shown some wayward friend, and suggestions that he neglect certain phases of his work came from the most unexpected quarters. Because of this and because he could not grant the favors and at the same time carry out what he believed to be his duty, he gradually withdrew himself and shunned the society of others. He avoided all social life and little by little cut loose from intimate associations. Many favors, which under ordinary circumstances he would have been glad to grant, he felt called upon to refuse, fearing that they might be used as levers to undo something that he had done.

This warping of his nature was gradual, and was not noticeable until a year had elapsed. That it was for the good of the State no one can gainsay: the attitude was that of the priest who has cast the world one side for the weal of the church.

## CHAPTER IX

### THE CENTRAL TRACTION DEAL

TO have presented this story chronologically, to have mentioned the dilatory tactics adopted by the defendants in court, and to have told the history of certain cases only at that place in the narrative corresponding with the time when such details became public property through testimony in open court, would have been to produce a tedious task for the reader, who would have been compelled to examine page after page, then turn back again and again, in order to maintain a connection between events.

Instead of following such a plan, which would have smacked of a court docket, the writer decided to take, one by one, the different threads from the skein and unravel each as he passed along. Thus the details of the confessions made by Messrs. Turner and Stock did not become known until months after they had made their statements before the grand jury; and the varying attitude of the public toward Mr. Folk, described in the last chapter, covered a period of time in which occurred many things that will be described further along.

The investigation into the Central Traction deal followed the Suburban case as a natural sequence. Trails led from one to the other, and all Mr. Folk had to do was to step from one boodle camp into the second.

In the matter of the commission of the crime the Central Traction affair antedated the Suburban, its redolent history having been made in 1898.

To understand the situation and to be in touch with what happened, it is necessary to know that prior to that year there were many different street railroad

lines in St. Louis, all operating independently under charters obtained from the municipal assembly.

In 1897 a St. Louis broker conceived the idea of consolidating several of these systems, and as a preliminary step he caused the introduction in the law-making body of a bill which would give his organization rights of way on streets in South St. Louis. This measure, which was termed the North and South bill, passed the assembly, but was vetoed by the mayor. How much it cost the broker to carry his project as far as he did is not known, but the sum was sufficient to prove his financial ruin, and a few months later he went into bankruptcy.

A year from that time Robert M. Snyder came to St. Louis, bent on the same errand that had proved so disastrous for the broker, but with more extensive plans in mind. It is believed that he had been attracted by the possibilities of the scheme that had failed, and he felt pretty sure that he could rise where the other had fallen.

Mr. Snyder had made history in the financial world, notably in Kansas City, where he had been the beneficiary of certain legislation that redounded to the interest of the few rather than the many. He had also studied legislative methods in the East and was a past master in the art of lobbying.

Owing to lack of court testimony on the subject, it is impossible to state who were behind Mr. Snyder in the St. Louis affair, but that they were men of wealth is evident from the fact that he had command of nearly half a million dollars during the campaign that ensued.

One of the most expensive suites of rooms in the United States is composed of the apartments at the Planters' hotel where millionaire bridegrooms are wont to take their brides. Here it was that Mr. Snyder made his habitat. He furnished a private sideboard with cut-glassware, then he stocked a private ice chest with the choicest of wines. After that he commenced to make friends, showing preference for those who held positions in the municipal law-making body.

Soon a measure was introduced into the assembly "by request," and it became known that Robert M. Snyder was father of the bill.

Men marveled when they read the contents of the document, and asked how any person could "have the nerve" to seek such a concession, for the bill granted a right of way through nearly every street in the city to a corporation styled the Central Traction Company, naming a consideration therefor based on receipts that was ridiculous in its terms. The newspapers fulminated against the measure and demanded to know who composed this Central Traction Company that sought such a boon. No answer was forthcoming. Did the company own any rolling stock, or rails, or railroad ties? There was no reply.

The man who could have satisfied the interrogators paid no heed to them; he remained close in that bridal suite, and only those who came from the city hall were admitted to his presence.

It is not known how much Mr. Snyder paid to have the bill passed the first time by the council and house, but it did pass at his bidding, going through like water running off a duck's back. This preliminary step could not have been very expensive, because the booblers knew that the real struggle was yet to come, and that there was a second stage in which the depth of the strong box could be sounded.

For, as had been expected, the mayor vetoed the Central Traction measure, even as he had vetoed the North and South bill.

After the executive had taken this action, Mr. Snyder showed his strength at the point where the St. Louis broker had proven weak.

The Central Traction bill was reintroduced and the announcement was made that an attempt would be made to pass it over the veto.

It is said that this time \$5,000 was paid for a vote in the house of delegates and \$8,000 for a vote in the council. But that was when Mr. Snyder was buying the cheap fellows, those who were in favor of the bill

at any price, so long as they could handle some of the money. After these had been secured—and they were the ones who had passed the measure in the first instance—it became necessary to bribe an additional number, so as to insure a two-thirds vote. All this took time and much maneuvering; there were frequent conferences in the bridal suite, wine flowed freely and greenbacks were passed around with the cigars.\*

It soon came to pass that every man whom it was possible to approach had been “seen,” and Mr. Snyder decided that the time had arrived to make the test. He was certain of his strength in the house of delegates, but was not so sure of the council. The doubt concerning the latter body was due to one man, Y——, who had been the last man purchased, \$40,000 being the price he had received for his dishonor, and as his vote was necessary in order to secure the two-thirds, the promoter’s anxiety can be understood. Had Y—— been a bribe-taker of old there would have been no cause for worry, but he was not; he had always had clean hands, and it was feared his “nerve” might desert him.†

Robert M. Snyder was not given to taking chances, and noting on the roll call of the council the name of a member who would be called after Y——, the promoter approached him. The answer was a get-thee-behind-me-Satan gesture.

But this man had a son, and the son was attracted into the gilded cage one night, when Snyder said, “Now look you here,” using those words, or words to

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\*The writer has been assured by a person who was present at one of these soirees given by Mr. Snyder, that when a box of perfectos was passed to the visitors, each cigar was wrapped in a crisp new fifty-dollar bill.

†The name of this man and the name of the man referred to as Z—— have been mentioned in public trials, but as they cannot be brought to justice because of the three years’ limitation act, it is as well to use the initials. The facts are just as glaring as if the individuals were crucified in printer’s ink.

the same effect, "I know that your father is a good church member. I guess he's a pillar, or something like that, and, of course, he can't afford to get mixed in this deal. But I have another proposition to make, one that won't affect him in any shape or manner. Here is a wad of money—forty thousand dollars. You just keep it for me a few days. I'm pretty certain that Y—— is going to vote for the bill, but if he doesn't, I want your father to come to the rescue. There's not one chance in a thousand that he will be needed. You won't have to tell him you have the money; just convince him that my bill is all right, for the good of the city, and so forth. If his vote is not required you can return the forty thousand; if it is needed you can give it to him the next day, and make him feel better. Is it a bargain?"

"It is," said young hopeful, and he pocketed the cash.

Hundreds of St. Louisans will recall the night when the Central Traction bill came up for passage over the mayor's veto. For weeks the newspapers had been hinting at bribery and rumors were rife all over town concerning the large amounts that had been expended by the Kansas City promoter.

The house of delegates met first. The bill was read for the third time and was passed with a whoop. Those fellows didn't care. They were in large numbers, and they had a black record anyway.

Then all the members of the lower body and all the spectators crowded upstairs into the council chamber.

It was not difficult to note in that hall the difference between the honest men and the rogues, the rogues for that night only and those who had been rogues for many a day. The honest members—a third of the body—sat stern and silent. They knew that everything was not right, and their attitude was that of men who scent danger. The old-timers in the bribery game gathered together, laughing and joking. They appeared prosperous, wearing diamonds, and their protruding pauches were evidence of sumptuous repasts. The new recruits in Fort Boodle sat by themselves and



were distinguished by their nervousness, as they twitched their forelocks of hair or fingered button-holes and hat bands.

The time arrived when the council should convene. The lobby craned their necks, to catch every word, and the members sank into their seats.

It was pretty well known that Z—— stood ready to support the measure in the event that Y—— failed to do so, for Snyder had hinted as much, believing that the resultant rumor would bring "his man into line through fear," and nearly all eyes were fixed on those two, one of whom occupied a commanding position.

In due time the Central Traction bill was called for its third reading, and when the clerk had finished the silence was so profound that the tick-tock! tick-tock! of the clock behind the president's desk could be heard all over the room.

Soon the roll call was on. Ayes and noes were interspersed, the former coming in greater number. Everybody kept tally, some on pieces of paper, others on their shirt cuffs. The clerk neared the end of the list, and all knew that only one vote was necessary to make the Central Traction bill a law.

"Mr. Y——," he called.

No answer.

"Mr. Y——."

From the center of a group of members came a faint sound, not distinguishable a dozen feet away. But the clerk heard what was said and he wrote "Aye" after the name.

At that instant a sigh of relief, so loud as to be audible even in the corridor, came from Z——, and those who were watching him saw his face change from ashen pale to red.

Thus was delivered into the hands of strangers the right to occupy the majority of the streets in St. Louis, and at the moment the transfer passed the persons to whom had been granted the most valuable franchise ever awarded in the United States of America did not stand possessed of even a steel rail, or tie, or car wheel,



or one square foot of ground on which to erect an upright post for a power-house. As illustrative of the value of this grant it can be authoritatively stated that it was sold within the week for \$1,000,000, and that the purchasers, by threats to take advantage of the terms of the ordinance and construct other street railroad systems on parallel thoroughfares, compelled the owners of lines then in existence to agree to a consolidation. And it was from this that the present St. Louis Transit Company grew.

A chapter of comedy and another, which at first threatened to become a tragedy, followed this night scene in the council chamber. Not long after the session Robert M. Snyder met the son of Z—— and said to him:

“My boy, as your father did not have to vote for the measure, you will kindly return that \$40,000.”

“No,” said the young man, slowly; “mother told me that it was bribe money and should not be given to either father or you, and I have decided to keep it myself.”

Robert M. Snyder saw it no more.

In the more serious episode Y—— was the hero. With Mr. Snyder he visited a restaurant soon after the bill became a law. They had barely taken their seats at the table when the promoter leaned across the white cloth and whispered:

“Let me have that \$40,000 until tomorrow, will you, Y——? Some of the fellows with whom I haven't settled are outside and I should like to square accounts.”

Y—— blandly acquiesced, and the money changed hands.

Mr. Snyder left the room, was absent a quarter of an hour, and when he returned it was to say: “I'll fix that up with you in the morning.”

Late the next afternoon, Y——, red of face and perspiring, was seen darting in and out of places downtown where men with money to spend are wont to assemble, and of everybody he asked: “Have you seen Snyder?”

Finally some one answered the gentleman affirmatively. "Snyder left for New York on the noon train," he said.

Y—— fell backward, as if about to faint, purple blotches appeared on his face; then he hurried away.

Thirty-six hours after this wild search for the promoter in St. Louis, Snyder, standing in the lobby of the Waldorf-Astoria hotel, heard in low, suppressed tones: "Hand over that money, or I'll kill you!"

But the buyer of assemblies was accustomed to emergencies, so he laughed and exclaimed: "Oh, that's all right. I'll fix it. Glad to see you. How did you leave the old town? I was called away and didn't have time to even 'phone you. Come in and have some dinner, and we'll talk it over."

Y—— went with him to the cafe. Soon after the order had been given Snyder asked to be excused, saying that he wished to wash his hands.

When the promoter returned he brought with him a typewritten letter, which he had dictated to a stenographer. The epistle was directed to himself, and was a declaration to the effect that rumors of bribery in connection with the Central Traction bill were ridiculous, and that he (Snyder) had used only honorable methods to secure legislative action.

"Sign that," said the promoter, "and I'll give you \$5,000. Refuse, and you won't get a cent."

Y—— signed. That night he returned home.

All these facts Mr. Folk learned by searching questions put to witnesses whom he summoned before the grand jury. Then the question arose, Who can be punished? More than three years had elapsed since the commission of the crime, and the statute of limitations was a bar to action if the parties to the transaction had remained in Missouri. The result of an investigation on these lines proved that the bribe-takers had remained in St. Louis, and that the bribe-giver had removed to New York. So a warrant charging bribery was issued for Snyder's arrest.

On October 6, 1902, he was tried in the criminal

division of the Circuit Court. No effort was made to contradict the mass of testimony introduced by the State to show that the promoter had bribed the St. Louis municipal assembly; the contest was merely on the question of residence, Snyder's lawyers contending that their client had never forfeited his citizenship in Kansas City, Mo., and therefore was exempt from punishment by terms of the statute of limitation.

The jury held that he had failed to prove this contention; they decided he had become a New Yorker, and found him guilty as charged.

Five years in the penitentiary was the sentence passed on Robert M. Snyder, boodler in the Central Traction deal.

And although the Supreme Court may reverse his case on a technicality, he still remains a boodler, for he made no defense to that charge when given the opportunity.

## CHAPTER X

### A REPORTER'S GOOD WORK

WHEN Charles Kratz and John K. Murrell became fugitives from justice members of the council and the house of delegates who had agreed to sell their votes in the interest of the St. Louis and Suburban Street Railway Company felt comparatively safe, for they knew that Messrs. Turner and Stock, who had turned state's evidence, had knowledge of their criminal agreement only by hearsay, which was not admissible as evidence. So long as they stood together there was nothing to fear, they argued, and the stronger characters among them insisted that all who were in jeopardy should take an oath, which for its torture-invoking penalty rivals those in vogue with the Italian mafia and the Chinese highbinders.

The plan they proposed to follow was simple. Kratz and Murrell would remain away, and those who stayed in St. Louis would, whenever questioned, deny all knowledge of the transaction. In a short time the three years mentioned in the statute of limitations would elapse, and then there could be no further danger.

Questioned they were repeatedly by Mr. Folk, who summoned them often before the grand jury, where they were subjected to the most rigid cross-examination. That he harried them was evident from their nervousness and their drawn, pinched faces, for only a few maintained a nonchalant manner.

One delegate—Adolph Madera, an undersized cigar merchant—became so frightened upon the occasion of his second visit to the inquisitorial chamber that he was seized with a chill of such violence as to cause his false teeth to fall into a cuspidor. When dismissed he hur-

ried from the room without reclaiming the artificial molars, and that evening he shook the dust of St. Louis from his feet, abandoning his cigar stand and all other possessions, and became a toothless wanderer on the face of the earth. Nor has he been found since that day, although police descriptions of him have been sent all over the country.

Notwithstanding the fright that overtook Madera when under cross-examination, he stoutly maintained his ignorance of the Suburban deal, evidently fearing the consequences of telling the truth even more than the verbal probing by Mr. Folk; and the circuit attorney met with no better success with others whom he summoned.

Two weeks after the disappearance of Kratz a scare was given his comrades in crime by the announcement of the ex-councilman's arrest in Mexico. They feared that if brought back he might tell all, in order to save himself. So there was another consultation with lawyers, one of whom was dispatched to the southern republic, to act in the fugitive's behalf. He called the attention of the authorities to the fact that bribery was not mentioned in the treaty of extradition with the United States, and after a few days they released the prisoner. Whereat nearly two score men in St. Louis breathed more easily than they had at any time since the wires bore the news of the ex-councilman's detention.

It was thought about this time that Murrell had also been captured, but the arrest proved to be a case of mistaken identity. Nevertheless, it was known that the former member of the house of delegates, as well as the former councilman, had sought refuge across the river from Texas.

Spring passed into summer, and belief was expressed that the boodlers' dream would be realized and that November—the month when the statute of limitations could act as a bar to prosecution—would arrive without sufficient evidence being secured on which to base an indictment.

Mention has been made in these pages of W. C. McCarty, a reporter for the Post-Dispatch, who was seated in Mr. Folk's office at the time when the prosecutor first became informed of the Suburban bribery deal.

It now becomes the pleasure of the author to tell how this reporter rendered almost invaluable service to the State of Missouri, and at the same time secured for his newspaper one of the most remarkable exclusive news stories in the history of the Fourth Estate.

For several years McCarty had "covered" the Four Courts and the city hospital as an assignment for the Post-Dispatch. He was familiar with every move that had been made in the bribery cases, and had gained the confidence of Mr. Folk as well as that of his employers and associates.

Sunday morning, August 3, 1902, McCarty left his home for a day's outing, with the intention of visiting some friends, then going to a ball game. His first call was at the office of Dr. Otto Sutter, who a short time before had resigned the superintendency of the city hospital for the purpose of devoting his time to private practice, and had opened an office in the Century building.

While the reporter was seated in the physician's reception room, waiting until the patients had been dismissed from consultation, a woman passed through and into the corridor. Dr. Sutter appeared soon after and greeting his newspaper friend, asked:

"Mac, did you know who that was?"

"No, I did not notice her particularly," was the answer.

"She is Mrs. John K. Murrell, and it's an outrage the way she is being treated."

"How so?" inquired McCarty, at once scenting a news item.

Dr. Sutter hesitated, then he said: "Confidences to physicians are sacred, but I believe that in this instance I can do my patient more good by telling you what she has told me than by keeping my own counsel; be-

sides, I would probably be doing a service to the state. I am Mrs. Murrell's family physician. She has just told me the story of her husband's wanderings in Mexico, and the plight he is in.

"When he fled from St. Louis, Mrs. Murrell tells me, he had the promise of the combine that they would keep him supplied with ample funds and would also care for his family. They did this for a time and even sent Julius Lehmann down to Mexico to cheer him up. But recently they have changed their tactics; they have stopped sending Murrell money and a few days ago they told his wife that she must move into cheaper quarters, because the house she occupies is too expensive.

"Mrs. Murrell says that her husband is suffering with rheumatism; she fears that he is drinking and that he may soon have to go into a hospital. She is going to leave St. Louis tomorrow and join him in Mexico for the purpose of urging that he return to St. Louis and turn state's evidence. Now, Mac, I think it would be a good plan for you to take the same train. I will give you a letter to Mrs. Murrell and you can not only be of great assistance to her, but get a splendid story for your paper."

Impressed with the importance of immediate action the reporter at once set out to find someone who could authorize him to take the steps that seemed necessary. A visit to the home of the city editor brought the information that he had gone out for the day; the managing editor, he learned, had left for New York; the editor-in-chief was absent and might not return until late in the evening.

It was a matter which he did not believe could be delayed over Sunday, especially as he had heard at the Four Courts that Mr. Folk intended leaving town for a short time. "Of course he is going to Mexico," thought McCarty, "and I must see him tonight." Therefore, he hurried to the home of the circuit attorney at 4010 Delmar avenue, and was soon in the lawyer's library.

"Mr. Folk," said he, "I have heard something of



the greatest importance. You probably know the details as well as I do, and I wish that you would aid me in obtaining an exclusive article."

"Tell me what you know, Mac," said Mr. Folk, "then I can judge better what to do."

So McCarty repeated in detail the conversation he had with Dr. Sutter, and added: "Of course you know all this and are going to Mexico?"

"Indeed I know nothing but what you have told me," was the reply that surprised the reporter. "And as for my trip, I am simply going to my old home at Brownsville, Tennessee, for a few days' rest. I've worked hard all summer and am pretty well tired out. But this Murrell matter is quite important. Go over the story again, won't you?"

They sat there until quite late, the circuit attorney and the reporter, discussing the best methods to pursue and what would be the probable outcome. Mr. Folk agreed with McCarty that by all means he should go with Mrs. Murrell and promised to give him certain letters which might be of service in Mexico.

"Will you grant Murrell immunity from prosecution if he will turn state's evidence?" asked McCarty.

"No, I cannot do that," replied Mr. Folk. "I have made no promises of leniency to Turner or to Stock, nor shall I do so to anyone. Murrell can return to St. Louis, tell all he knows and throw himself on the mercy of the court, or he can remain in Mexico, from where I will surely bring him in time. You can say that the usual course in such instances is for the court to deal less harshly with men who aid the state, but you must not quote me, for I can make no promises."

"But concerning the Post-Dispatch," persisted McCarty. "If we succeed in inducing Murrell to return and confess, cannot we have the story exclusively?"

"Yes, you would be entitled to that, for you will have rendered the state a great service."

Before they parted for the night, the circuit attorney wrote down the address where he could be reached in Tennessee. "Keep me posted, Mac," said he, "for this may prove to be the most important development since Turner and Stock told their stories."



## CHAPTER XI

### A TRIP TO MEXICO

ON August 16, George Johns, editor of the Post-Dispatch; Frank O'Neil, a member of the staff, and Mr. Folk met in a restaurant and discussed plans for combining the force of a metropolitan newspaper with that of the circuit attorney's office to the end that John K. Murrell might be induced to turn state's evidence.

That evening Mr. O'Neil left for Mexico, his more definite destination being Chihuahua, on the belief that Murrell could be found there.

It was a laborious task to ascertain who were the Americans in Chihuahua without arousing suspicion that might defeat the aim of securing an exclusive news story, and many weary days passed before Mr. O'Neil became satisfied that Murrell was not there. He learned, however, that the man had been there and had been known as "Mr. Brown."

Unable to get a tangible clew in Mexico, O'Neil telegraphed the St. Louis office for more information, and Reporter McCarty was detailed to try and learn something definite. To this end he sought out John K. Murrell's son, induced him to visit Dr. Sutter's office, and both the physician and the newspaper man labored with him for hours, endeavoring to ascertain where his father was located. But Murrell, Jr., was obdurate; he would divulge nothing.

Then, refreshing his memory as to dates, McCarty visited downtown ticket offices, seeking information concerning the purchase of a ticket to any point in Mexico by a woman on August 4—the day Mrs. Murrell was supposed to have left town. At last he was re-

warded. In a certain office was the record of a round-trip ticket to the City of Mexico having been sold to Mrs. Henrietta Adams on that day. Could the agent remember the purchaser? asked McCarty. Yes, was the reply, because she was so sad; there must have been a death in the family. Could he describe her? The agent did so, and the description was that of Mrs. John K. Murrell. An hour later the information was telegraphed Frank O'Neil at Chihuahua.

Arriving in Mexico City, O'Neil soon located, at one of the hotels, Mr. Adams, who proved to be the Mr. Brown of Chihuahua, and the John K. Murrell of St. Louis. He had changed greatly; known as of portly frame in his northern home, he had become thin, emaciated, and was nervous and difficult to approach.

After many fruitless attempts the representative of the Post-Dispatch finally obtained an interview with the fugitive, and then set forth in detail the object of his mission in Mexico—that Murrell return to St. Louis and testify for the state. The former member of the house of delegates listened, but rejected the proposition. No, he would remain an exile; he would not betray his comrades. Several other interviews were had, all to no apparent purpose and on August 27, Mr. O'Neil wrote a letter which might be termed a classic in criminology, so cleverly argued are the pros and cons on the subject of turning state's evidence, which letter he caused to be placed in Murrell's hands. The text of this remarkable document follows:

Mr. Murrell:

Resuming the discussion of yesterday, it has occurred to me that some good might come from a presentation in writing of the question that you are called upon to decide; the decision of which means so much for you and so much more for those you love. To state the considerations fairly, I must place myself in your place, as nearly as my knowledge of the facts and my acquaintance with your affairs will admit of. It is needless for me to state that I am not here to serve any other interest that need be inimical to yours. It so happens that the success of my undertaking must result in not only good to St. Louis, but good and great advantage to you. This fact encourages me to offer unmasked-for advice, as I am now doing.

The question before you is whether or not you will return voluntarily with me to St. Louis and there furnish the state with such facts as you possess concerning the wrong use of money and other valuable considerations in connection with local legislation there, and the betrayal of public trust by the men to whom these valuables were offered. Let me outline as far as I can see them, the arguments unfavorable and favorable:

1. If you go and testify you will declare yourself guilty of wrong doing, while at present your guilt has not been proven.

2. If you go and testify you will incur the ill-will of a number of men with whom you have been associated, and of a number of other men of wealth and station who do not want their relations with local legislation revealed to the public. In short, you will invite the active ill-will of, say, 50 men in a community of 600,000.

3. If you go and testify you assume the attitude of a giveaway, and consent to lie under a cloud for a time. You incur, moreover, the hateful certainty of being pointed at and whispered about for a month or two by the people among whom you move.

It seems to me that these three considerations comprehend all of the objections that can be allowed to weigh seriously against your return. Let me meet them in their order:

1. In so far as the minds of the people of St. Louis are concerned, I think you will agree with me that your verbal testimony is not necessary to a very general belief in your guilt. They reason that if you remained there an innocent man would be punished. Therefore, your reputation, in so far as the allegation against you is concerned, cannot be hurt in the slightest degree by your formal declaration against yourself.

2. As to the ill-will of the men whom you have been associated with officially, it represents no loss to you whatsoever. These men never were your real friends. Their friendship was like an excursion ticket, "good for this trip only," and void the very moment your conduct failed to conform to what they regarded as their interests. You have had some very positive proofs, since you got beyond hailing distance, of the shallowness of their goodwill, and you have seen, in the shiftings of organization of the house from week to week, how readily the Jear one of today becomes the dead one of tomorrow. If these men condemn you because of any course you may take, it will only be putting into words the curse which has always been ready for expression, which existed the moment you became associated with them, and which fruited in your self-banishment. As for the men who have paid

for legislation, their good-will never went with their cash, and one cannot lose what one never had.

3. I doubt not that the "giveaway" consideration weighs the heaviest with you in considering what you ought to do. It is hard for any man to speak for another where this question is presented, because logic or reason has little to do with determining it. Let me suggest, however, that loyalty to wife and children, and to one's own responsibilities for the future, is far more admirable than loyalty to deliberate wrong-doers, who feel safe to continue in the wrong-doing because of the protection afforded by the "never-give-away" obligation. You are beyond the reach of Missouri law, and can, if you choose, remain here. If, then, you go back and place yourself within that pale, you can do your duty to the state without the "give-away" stigma, since your return is voluntary, and not for profit. As for the pointing of the finger, let them point. The act they condemn will have done the state a service, and will have done injury to only those who deserve it. Where one person complains or sneers at it, one hundred approve, and, for every aggressor there will be many to defend. Moreover, your experience as a legislator in St. Louis has somewhat schooled you to view with equanimity the finger of scorn and newspaper roast.

So much for the arguments against a return. But, going further, is it not true that those things which are unpleasant to contemplate in St. Louis are not altogether escaped in Mexico? If you remain away from home, you are a fugitive—an exile. No matter what your philosophy, you cannot, and your family cannot, be reconciled to the odium of that fact. Go where you will, and stay however long, an American face will always awaken an apprehension instead of a sense of joy. "Sounds from home," which are usually the sweetest that can come to the ear of the traveler, will have an ever-increasing sadness for you and yours. You are over 40 years of age, and all of those years have been spent in St. Louis. You surely must have formed many real friendships and close attachments that cannot be surrendered or abandoned without grief. In the activities of business life you can minimize this loss and in a degree smother the memories of your happier home, but not so your wife, in the loneliness that must be hers in an alien state. Even among new friends you must ever guard against reference to your old ones, and to your life among them. If you live under your real name there will always be the probability of identification and scandal. If you live under an assumed name there will always be the fear of discovery that it is assumed. You are both too well along in years to begin with hope or confidence the making of a new life and new

home in a land where the people, the customs and the climate are strange to you. Assuming you to be guilty, as charged, this punishment is greater than you deserve, and infinitely greater than should fall upon your good wife, notwithstanding the cheerfulness and determination she exhibits in standing by you and with you.

There is much of peace and happiness possible for you in your old home after a few brief months of suffering no greater than you are now enduring. The real friends whom you left will be there when you return, unaffected by your adversity and a straight, manly course will bring you hundreds of other friends that were impossible before. You will not have to live a life of apprehension and dread. The worst will be over in a week and thenceforward you will feel a spirit of independence that has been impossible for years.

I have thus far addressed my arguments to your sense of interest—of expediency. Finally, and above all that I have said, may I not urge you to do as I ask because it is right and because to refuse to do so is wrong?

FRANK R. O'NEIL.

N. B. I urge this course in the full belief and expectation that you are to have immunity when you have performed your part honestly and faithfully. I can guarantee that, if you go with me, you will not be interfered with by any officer between here and St. Louis, and you and your wife will be under no expense for transportation; that I will make no publication until after you have reached St. Louis, and had a full consultation with Mr. Folk; that Mr. Folk will be glad to make you a witness for the state; that the Post-Dispatch will openly advocate such use of your testimony and subsequently your immunity, and that you will have the same chance for liberty at the conclusion of the investigation as Mr. Turner and Mr. Stock.

Mr. Folk refused to give me any guarantee of immunity in your case, as he was bound to do, and as he has done in the cases of Turner and Stock. The law precludes such an arrangement, and if made it would rob your testimony of all value. But you are satisfied, I am sure, that neither Turner nor Stock will be prosecuted, and you should feel safe in taking exactly the same chances as they do.

Now, if there be any condition not herein set forth that would seem to you to be necessary and fair, please tell me about it after fully considering this letter. If you desire that any representation which I make be verified, I will take any reasonable steps to meet your views by using the wires before leaving here.

No reply coming to this epistle, the representative

of the Post-Dispatch turned his steps homeward, believing his mission to have been a failure. But there was a sequel with scenes more graphic than any in the history of the bribery cases.

## CHAPTER XII

### A MASTER STROKE

LONG before the bursting of an electrical storm its approach is made manifest by the effect produced upon animals, both man and beast. There is a stringing of the nerves to a tension not noticed when the elements are at peace. This is particularly in evidence at sea, when hurricanes are gathering below the horizon. All around the vessel the water may be calm, almost motionless; not sufficient wind may be stirring to move the dull, heavy clouds that obscure the blue sky, yet sailors know instinctively that a howling gale will whistle through the rigging before many hours are passed, and they gather in groups, questioning one another as to which direction the wind may come from.

Such were the conditions in the dingy old Four Courts building in St. Louis on the morning of September 8, 1902. Everyone whose business called him to this place felt that "something was in the air," and asked his acquaintances what had happened, or what was about to happen. The replies were unsatisfactory; none knew.

Mr. Folk had arrived at his office earlier than was his custom and soon after his advent a score of deputy sheriffs, armed with pink-colored subpoenas, hurried out the Clark avenue entrance and scattered over the city. Simultaneously nearly a dozen members of the Post-Dispatch staff arrived. Reporters for other newspapers, seeing this increase of talent, telephoned their offices that some big story was about to develop, just what they could not say, and then they searched for information.



Entrance to the circuit attorney's office they found barred to them by the policeman who in those days was stationed at the door, and whose only reply to anxious queries was that an important conference was going on behind the portals. But in the sheriff's office it was learned that the subpoenas which had been sent out were for men who had been members of the house of delegates at the time the Suburban bill was passed, particularly for those who had been members of the "combine" and who were supposed to have sold their votes to Messrs. Turner and Stock. They were wanted to give testimony before the grand jury, which was in session, was the additional statement made to further interrogation.

This did not appeal to the inquisitive scribes as satisfactory, for it did not warrant the early activity. Time and again these men had been summoned, and as often sent away, nothing having been learned from them. Why another effort, particularly in such haste?

No answer being forthcoming the reporters redoubled their efforts and the air of suppressed excitement became more intense; the storm was rising above the horizon.

Former Delegate George F. Robertson was the first to answer the summons. He expressed disgust as he entered the building, because his business had been interfered with by such "fool proceedings." What was the sense in bringing him to the Four Courts again? He knew nothing that could be of assistance to the authorities. As he ascended the stairs to the second floor he called out to a friend that he would be down in a few minutes, adding: "I'll finish with those chumps (the grand jurors) right quick."

Passing along the aisle which leads through the criminal court room, he reached the offices occupied by the circuit attorney's force.

"You are wanted in here," said the policeman who was on guard, and he swung open the door that had remained closed to newspaper men.

"Good morning, Mr. Robertson. Have a chair."



It was Mr. Folk who spoke. He was seated at his desk, examining his mail. On his face was the smile-mask, even more inscrutable than ever. "Just a minute, until I read this letter," added the lawyer; and when that had been accomplished he swung around leisurely and said:

"Robertson, why don't you tell me how you and other members of the combine sold your votes to the Suburban people?"

"Because I don't know anything about it, Mr. Folk."

"No?" The interrogation was in purring tones and the lawyer toyed with a paper cutter. Then—

"You don't know anything about \$75,000 having been placed in a safe deposit box at the instance of Charles Turner, for the purpose of paying you and other members of the combine if you would grant certain special legislation?"

"No, I don't, Mr. Folk. Why do you badger me?"

"Never heard of any trouble over this money, did you?"

"No. Never heard anything about it."

"And you made a solemn oath to that effect before the grand jury?"

"Yes, sir."

"You are willing to make the same statement under oath again?"

"Yes, sir."

"You have no knowledge that John K. Murrell held a key to that safe deposit box and was appointed by you and other members of the combine to divide the money when the ordinance should go into effect?"

"No, sir."

Mr. Folk rose leisurely, stepped to the window and looked down the street, even as anyone may glance at passers-by when nothing special is on the mind. Then he threw open a side door and into the office stepped a man whose haggard face spoke of days of suffering, and blackringed eyes of nights without sleep.

Robertson half rose from his chair, then sank back, quivering, blood mounting in livid blotches to his cheeks.

"My God! is this you, John?" he cried out.

"Yes," answered John K. Murrell. "And, George, I have told Mr. Folk the truth."

"Do you still persist in your statements, Mr. Robertson?" asked the circuit attorney.

"What's the use?" was the reply.

In the meantime other members and ex-members of the house of delegates had arrived and were told to wait in an ante-room. Among them was Charles F. Kelly, a printer, who at that date was speaker of the house, he having been re-elected to office. Wiser than his companions, either by an intuition or because of a friendly whisper from some employe of the sheriff's office who knew what was about to happen, Kelly hesitated at the door of the ante-room and exclaimed: "By Jove! I forgot to stop in at the city assessor's office. I'll run over to the city hall and be back in five minutes."

Saying which he hurried down the stairs, and no one detained him, for the officer in charge, believing the delegates to be wanted only as witnesses, and not knowing what would be revealed when the curtain should rise on the second act of the drama, thought he had no power to detain the speaker.

He learned his mistake a quarter of an hour later, when a dozen deputy sheriffs entered the room and commenced serving papers on the men who were sitting listlessly, waiting until what they believed would prove another farce, should come to an end.

"I've already been served with a subpœna," said the first man approached.

"This isn't a subpœna," answered the sheriff; "it's a warrant for your arrest. We have warrants for the arrest of every man in this room."

And then into their faces jumped the crimson blood of surprise, to recede and give place to the pallor of fear, for an officer near the door had added: "John K. Murrell is back and has turned state's evidence."

The words spread over the Four Courts and over the city, until on every corner was heard the cry of the

newsboy: "All about John K. Murrell's confession and the arrest of members of the house of delegates!"

Murrell's confession was the link in the chain of evidence connecting the members of the house of delegates' combine with the bribe money that Stock had placed in a safe deposit box, and it is interesting to note the clever manner in which Mr. Folk drew the guilty ones into his net.

Not having definite knowledge as to which deputy sheriffs or policemen had tried to serve two masters by betraying the state, he had cautioned Murrell to remain in hiding until Monday morning and took no one into his confidence save the newspaper men whom he believed entitled to share the secret. Then early on Monday he caused grand jury subpoenas to be issued for those who had been implicated by the returned fugitive's statement, and, to use the ranchman's phrase, caused them to be rounded up in an ante-room. He could have had warrants served upon them in the first instance and could have had them arrested at their homes or places of business, but he feared that a "tip" might be given which would spoil his plans. Again, he wished to have corroborative evidence to add to that given by Murrell and so arranged the dramatic scene which was enacted in his office and which resulted in Robertson's confession.

Those taken into custody by this method were Delegates and ex-Delegates George F. Robertson, John Helms, Otto Schumacher, T. Ed. Albright, John H. Schnettler, Harry A. Faulkner, Charles A. Gutke, J. J. Hannigan and E. E. Murrell. All were charged with bribery and all, with one or two exceptions, were also charged with perjury, in having sworn falsely before the grand jury. Bail in the bribery cases was placed at \$30,000 for each man and \$15,000 additional was assessed those charged with perjury. Few of the prisoners could furnish bond, and that afternoon, September 8, 1902, for the first time in the history of these cases, men were placed behind the bars to await trial.

In addition to warrants served on the above named,

similar documents were issued for Charles F. Kelly, Louis Decker, Adolph Madera, Julius Lehmann, Edmund Bersch, John A. Sheridan, Charles J. Denny, William Tamblyn and Emil Hartmann.

Kelly, it will be remembered, made the excuse that he had forgotten an errand at the city hall, and left the Four Courts, promising to return in five minutes. That five minutes lengthened into two months, during which time he traveled at the expense of somebody else in Europe.

Tamblyn first learned of the issuance of a warrant for him by reading a telegram in a newspaper at Cleveland, to which city he had removed from St. Louis soon after his term of office as delegate had expired. Protesting his innocence he hurried back to the scene of his short political career and a few hours after arrival was placed in jail with his former comrades of the assembly. Lehmann, Bersch, Decker, Sheridan, Denny and Hartmann were arrested at different times, two of the number being captured in other states, having been recognized by authorities from police descriptions which were sent out at the instance of the circuit attorney.

After permitting those boodlers who could not secure bondsmen to remain in jail until they became weary of confinement and disgusted with the coarse prison fare, Mr. Folk caused them to be summoned one at a time to his office and there urged them to turn state's evidence. As in other instances of like nature, he made no promise of immunity from prosecution, but gave them to understand that the courts always looked with favor upon persons who aided the cause of justice. The first to yield, or rather the second, after Robertson, was E. E. Murrell, brother of the returned fugitive. Tamblyn next made a confession and he was followed by John Helms and Otto Schumacher.

Thus in all the bribery trials which involved the Suburban Railway deal the circuit attorney would present a perfect chain of evidence. First, he would establish the status of the ordinance which had been involved, and the fact that the eighteen men under indictment

had been members of the house of delegates that adopted the legislation. Then Charles H. Turner would take the stand and testify that while president of the St. Louis and Suburban he had employed Philip Stock to secure the passage of favorable laws by the means of bribery. Stock, following Turner, would tell of his conferences with John K. Murrell and the storage of the boodle fund in the safe deposit box. At this stage in the proceedings Mr. Folk would hand him the roll of bills, saying, "Is this the money?"

Thumbing the greenbacks and noting their denominations Stock would announce the total as \$75,000 and would say that the bills were the ones which he had used to bribe the members of the lower house.

Next Murrell would recite his many interviews with Stock and finally would name the seventeen men who were associated with him in the bribery deals and his evidence in turn would be corroborated by his brother Edward, by Tamblyn and by the others.

No evidence was ever more complete; no links ever made a more perfect chain.

## CHAPTER XIII

### THE KRATZ EXTRA

IT IS not strange that in doing his duty Mr. Folk should have incurred many and bitter enemies, particularly in St. Louis, where he hacked away so vigorously at the tendrils of corruption. Every blow struck at the octopus-like arms that were choking the municipal government not only caused a quivering in that particular spot, but created a sickening sensation throughout the whole gross body.

Deals that had involved bribery lead, with their many ramifications, into banks, into trust companies, into factories, and into wholesale and retail stores; the names of men prominent in church work, of men engaged in the professions, of club members who belonged to the set that the newspaper paragrapher classes as exclusive, and the names of those distinguished as statesmen were linked with the buyers and vendors of special privileges.

The fact that a great majority of these could not be reached by the law, either because of that benign statute of limitations, or because the evidence was not such as could be brought out in open court, did not make those who were involved less bitter in their denunciation of the persistent circuit attorney. They were well aware that day after day truths were being told in the grand jury room concerning crimes in which they had been principals, and that although no trial jury would ever hear the case and no public relation could be made, yet in that inquisitorial chamber record was constantly being compiled of the wrong-doing against the commonwealth in years that had passed.

They knew that the brothers Murrell, Tamblyn,

Robertson and others who had turned state's evidence, would tell not alone the details of the Suburban bribery case, but of others, and that these narratives would lead backward, and backward, into all the meshes of corruption, blackening name after name.

It was the knowledge that Mr. Folk *knew them as they were* that aroused the hatred of those who had not been dragged in the mire of publicity, as well as the hatred of those who had been piloried in the public prints.

Mr. Millionaire Broker, awake at dead of night upon his bed of eiderdown, would know that in the afternoon twelve grand jurors and the circuit attorney had listened to a story of infamy in which he was the principal actor, and if, by chance, he had ever read the *Ru-baiyat* of Omar Khayyam,

*The Moving Finger writes; and, having writ,  
Moves on; nor all your Piety nor Wit  
Shall lure it back to cancel half a line,  
Nor all your Tears wash out a Word of it,*

must have been the lines to pass again and again before his mental vision.

"We must stop that fellow!" they cried with one accord, and they tried in every manner to learn some fact that would damage his reputation and annul in a measure the force of his work. Surely something had occurred in his early life that if brought to public notice now would effect his standing in the community. So once more the state where Mr. Folk passed his boyhood days was raked as with a fine-tooth comb; every act of his, from the time he stood at his mother's knee until he accepted the trust of office, was investigated under a searchlight. The result—nothing; detectives returned with only the information that has been published in the opening chapters of this story, of a life devoted to study, work and wholesome exercise, of an adolescence that seemed to have been with an aim to future service for the country.



So, for lack of a skeleton that could be dangled to the consternation of the lawyer, his enemies were compelled to content themselves with attacks upon the man as he appeared to them, or rather, as they wished the public to believe he appeared.

"He is a trickster," said one.

"He has betrayed his party," said another.

"He is ambitious, selfish and cares only for Joe Folk," came from the lips of a third.

"If that thing becomes governor of Missouri I shall leave the state," was a remark heard in a hotel lobby.

"Folk has his price, and it's the presidency," sneered yet another.

While these lines were being written, the representative of an Eastern magazine was in St. Louis, gathering data for an article to appear in that periodical. The editor had given him two weeks in which to study the situation and analyze the character of the principals. Think of it; a fortnight in which to master the intricacies of this battle against bribery!

"I believe that I understand Mr. Folk's character thoroughly," he said during a recent conversation. "Like Louis XIV., he is imbued with the idea, '*L'etat, c'es't moi.*' Adroitness is the word that explains his success. I came here prepared to find a second Lincoln in the making. I am disappointed. He is not a great man."

Another view of Mr. Folk's character is contained in an article written by the author of this story and published in the Valley Magazine when, as a monthly, it was published by William Marion Reedy. Following are the opening paragraphs:

Had the lines of Joseph Wingate Folk fallen in other places, had that which some persons term pre-natal influence been different, or had various things which are supposed to shape a life been otherwise, the St. Louis circuit attorney of today—and possible Governor of Missouri tomorrow—might have become one of the cleverest confidence men in the country, instead of a public prosecutor whose fame has spread from the Yukon to Florida Keys.



You have heard it said of a woman, "What a power for evil she might have been!" This in no disrespect to the woman; rather in emphasis of her triumph for the right. And so the suggestion of "what might have been" in the case of Mr. Folk should not be misconstrued as detrimental to that gentleman.

If a skilled engraver plies his trade in the government bank-note bureau he becomes a worthy public servant; if he creates counterfeits then he is a menace to society; if a physician uses his skill and knowledge to save life and allay pain, he is a worthy creature of God; if to destroy, then he becomes an instrument of the Evil One; and so, if a man uses the gift of inspiring confidence for the weal of the commonwealth, then his acts are justly applauded, whereas if the talent be turned to the end of personal gain and others' destruction, he becomes an object of execration.

Study the methods of Circuit Attorney Folk and you must acknowledge that it is the knack of inspiring confidence that has made him so successful. Yet it is a different manner of confidence from that to which one would give the generally accepted definition.

There are a score and more bankers of St. Louis in whom the community has such confidence that it entrusts them with its fortunes. There are lawyers and doctors by the hundreds in whom people have such confidence that they are bidden enter the closet where the family skeleton hangs. Yet not one of these bankers, lawyers or doctors could wring from any one of a dozen municipal boodlers such confessions as have been made to the circuit attorney at the Four Courts.

"May I never see my wife and family again if I tell him anything," said a man, charged with bribery, after he had been brought under arrest from a distant state. "I hope my tongue will rot in my mouth if I confess," said another. Similar hackneyed expressions, more or less emphatic, came from the jail where men unable to give bail were incarcerated, and they also came from persons more fortunate, who were free to move about in the sunshine by grace of a bondsman.

Yet today the man who foreswore his loved ones, the man who courted decay in an organ of speech, and the man who fixed as a penalty for an open confession the palsy of an arm, can be heard telling and retelling facts which they promised would remain securely padlocked within their souls.

Why this metamorphosis from the close-mouthed, stand-by-the-gang individual into the verbose "snitcher?"

To understand, imagine yourself guilty of accepting a bribe and imagine further that you are under arrest.

Word is brought that Mr. Folk desires to speak with you and you leave the jail, grimly resolved that nothing during the approaching conversation shall betray your associates.

A nod and a smile is his greeting and a cigar box is at once extended, for the circuit attorney well knows the aid to confidential relations that is given by Madame Nicotine. The weather, the latest news from abroad, perhaps the political situation in nation or in a sister state are the subjects first discussed, then by-and-by you find that the pleasant-faced, almost cherubic, lawyer is leaning back in his chair and talking easily and pleasantly of the very crime with which you are charged. When he crossed the boundary from other topics into this you do not remember; it was a natural merging, not perceptible at the time. How much he knows! Surely you have no additional knowledge that you could give him.

An hour passes and you return to the cell, exultant, for you have told him nothing. But what was it he promised you? Immunity from prosecution? No; not exactly. He only remarked, in a casual way, that it was the practice in most courts to protect those persons who proved of assistance to the state.

Again you are called to his office, and during another conversation an interrogation is softly and soothingly introduced. "By the way, Mr. A——, were you not mistaken in saying that J—— received \$2,000 for his vote? Was it not \$1,500?"

"No, Mr. Folk, it was two thousand."

Back in the cell again, reminiscent: "When did I tell him that J—— got \$2,000? I don't remember having done so. But he says I told him. He knows everything."

It is the same game; the pea is under that shell in the middle, for I saw him put it there.

You see an extra edition of a newspaper and marvel at the headlines, "A—— has confessed. He has told Mr. Folk everything;" and you scratch your head in an effort to enliven the gray matter so that it will explain what this means. Later you are given a pink slip of paper. It is a summons to appear before the grand jury. Between the iron bars of a door a face glowers—the face of one who believes you have turned traitor. But upstairs another face smiles benignly, and you are thanked for the great service you have rendered the state. Dazed and bewildered, you mout other steps, and find yourself in the presence of twelve men, all powerful factors in the community—twelve men and another, who says, "Now, Mr. A——" —it is the pleasant voiced circuit attorney—"tell these gentlemen what you told me."

"But what did I tell him?" you interrogate yourself.

No matter; there's no time in which to answer this self-put question, for you are kept busy answering him.

That night you say, "Well, he knew it anyway. What was the sense in holding out?"

That this ability to inspire confidence has been of great service to Mr. Folk is patent to everyone who has held the thread of this narrative. But for it the story of the Suburban bribery deal would never have been forthcoming, for there was not a scintilla of evidence against anyone until Messrs. Turner and Stock turned state's evidence. In the language of the street, this railway president and his agent were "conned" into making their confession.

Since February, 1902, the writer of these lines has had every opportunity to study this man who is making history; he has watched him in court, on the stump, in his own home and in the homes of others, and the opinion formed differs radically from that expressed by the erudite gentleman from the East, who was "doing the boodle cases" in a fortnight.

Mr. Folk's life work is summed up in the five words, "I must do my duty." The state is to him a sublimity—a creature of grandeur, which he serves as a tool—to cut, cut, cut where duty guides, no matter through what the keen edge is forced. He would send his brother to the penitentiary, if he believed the weal of the commonwealth demanded the sacrifice; in doing his duty he knows no friendships, no ties of consanguinity. To condone an offense against the body politic is to him an impossibility.

Several persons have questioned the ethics of his methods. For instance, there are those who say that even by implication he should not have lead Turner and Stock to believe he possessed information which he did not. But as the result of those methods came the first conviction for bribery known in St. Louis, and the uprooting of the entire tree of corruption, who can deny but that the end justified the means?

This phrase, made by the Jesuits a part of language and an expression of certain methods, brings to mind

another instance, the story of which is here opportune, as the incidents involved follow chronologically those that formed the subject matter for the last two chapters.

It must be recalled that the Suburban ordinance was passed by means of bribery through both the house of delegates and the council, and that "combines" to regulate legislation existed in both bodies of the municipal assembly. The confession of John K. Murrell and others had implicated all the delegates who had sold their votes, but guilt had not been brought home to any of the councilmen. To secure evidence against these men, therefore, became the aim of the circuit attorney. But how? Kratz, in far-away Guadalajara, so the police reported, had no intention of following in Murrell's foot-steps and turning state's evidence, and without his confession Stock's statement was worthless in court, as Stock knew only by hearsay who had been bribed in the upper house.

Could one of Kratz's associates be made to tell the truth, even as George Robertson had been compelled?

On the morning of September 10, 1902, there was noticed the same air of mystery about the Four Courts that had existed the previous Monday.

Again deputy sheriffs were sent hurrying over the city, and in response to the subpoenas which they served, there appeared men who had been members of the council when the Suburban ordinance was passed.

"Kratz has come back," was the report that went through the building. "He has confessed, like John K. Murrell, and the circuit attorney has bagged the council as well as the house."

There seemed to be truth in the statements. Upstairs, in a room near the grand jury chamber, the councilmen were held incommunicado; practically under arrest.

While reports were flying thick and fast, a member of the St. Louis Chronicle's editorial staff gained admission to the circuit attorney's office.

"Mr. Folk," said he, "don't you think the Chronicle

is entitled to an exclusive news story on these boodle cases? The Star had one that started the ball rolling, the Post-Dispatch had one on Murrell's return, and now we should be given a chance."

"I'll try to give you something pretty soon," replied Mr. Folk.

"Haven't you anything today? They are talking all over the building about the return of Kratz. Is he here?"

"If he is I haven't seen him," said the circuit attorney. "But," he added, "how would you like to get out an extra, saying that Kratz is now in the grand jury room?"

Up jumped the editor from his chair. "Good!" he exclaimed. "I'll telephone the office at once."

"Listen," said Mr. Folk. "Mind you, I do not say Kratz is here. I shall not say so to anyone."

"O, I understand," and the newspaper man hurried from the room, confident that he had an exclusive story. So confident was he, in fact, that he did not telephone the conversation as it actually had occurred, but sent the message: "Kratz has returned and is telling all to the grand jury."

Fifteen minutes later extra editions of the Chronicle were on the street, and a newsboy soon appeared with copies at the Four Courts. Taking several in hand the editor hastened to the circuit attorney's office, and meeting Mr. Folk at the door, said: "See! Here's the extra."

"That's splendid!" replied the lawyer, as he glanced at the headlines. Then, taking copies of the paper, he called Sheriff Dickman and the two went upstairs together.

Immediately these officials reached the room where the members of the council combine were held under surveillance, a copy of the Chronicle extra was passed into the chamber and those in waiting saw, rising before their eyes, the walls of the Jefferson City penitentiary.

Acting while the fright was on them, Mr. Folk

caused the councilmen to appear, one by one, before the grand jury and subjected them to vigorous cross-examination.

But his plan failed; no one broke down, and it is freely stated today that the ruse adopted by the circuit attorney proved abortive because of a "tip" given by a Four Courts' employe, to the effect that the Chronicle's story was untrue, and that Kratz had not left Guadalajara.

The newspaper man felt very bitter toward Mr. Folk because of this episode, and that night accused the circuit attorney of having misled him.

"Please remember," replied the latter, "that I distinctly stated that I would not say Kratz had returned, and I have not said it. But you have rendered the state valuable service, and it is not your fault that matters have not turned out differently."

The editor's reply was more forcible than elegant. "D—n the state," said he. "I am working for a newspaper."

This narrative of facts avert the effort to frighten members of the council into making a confession that would implicate those connected with the combine in the upper house shows the furthest extreme to which Mr. Folk was carried in his zeal for the commonwealth. The action may be criticised by those who do not agree that the end justifies the means; still even their voices would probably have been stilled had the plan succeeded and the council members, who are every bit as guilty as the convicted delegates, been brought to the bar of justice.

And the editor and newspaper in question, instead of being aggrieved, would undoubtedly have given vent to much self-glorification because of the service rendered the state had the headlines brought to the bar of justice the men who sold their votes for \$60,000.



## CHAPTER XIV

### THE NICOLAUS CASE AND ITS SEQUEL

SOME years ago, the beer that found the most ready sale in the saloons and restaurants of St. Louis bore the label of the Wainwright brewery; on Pine street, in the center of the down-town district, stands a large office building known as the Wainwright; in many other sections of the city valuable real estate is held in the name of Wainwright. The owner of all these properties is Mr. Ellis Wainwright, who is rated by the commercial agencies as worth several million dollars. Today Mr. Wainwright lives in France, self-expatriated, for he dares not return to the United States.

It will be recalled that earlier in this story mention was made of indictments returned by the grand jury against Mr. Wainwright and Henry Nicolaus charging bribery. These were found after confessions had been made by Charles Turner and Philip Stock concerning the Suburban bribery deal, and the evidence that had brought them forth was the statement by Mr. Turner that both Nicolaus and Wainwright had joined him in signing the notes that were discounted at a south side bank in order to raise the \$135,000 demanded by the council and house combines before they would pass the desired legislation. Mr. Turner had stated before the grand jury that the directors of the St. Louis and Suburban, as a body, were not informed of his intention to bribe the municipal assembly, and that he made the issuance of this loan a personal matter, seeking only the assistance of his brother directors, Nicolaus and Wainwright.

When warrants were issued for these two wealthy

and prominent citizens it was discovered that Mr. Wainwright was touring the Riviera and was on his way to Egypt. Mr. Nicolaus was in town, however, and he promptly went to the Four Courts with bondsmen and gave bail for appearance when needed.

Between the time of this incident and the court trial powerful influence was brought to bear upon Mr. Folk to enter a *nolle prosequi* in the case of this man, who, like Wainwright, was extensively interested in breweries, indeed was at the head of the combination of St. Louis brewers about which much was written several years ago, when reports were rife concerning the promotion of a gigantic brewers' trust. The men who urged this course represented large property interests in South St. Louis.

"You have no case against Nicolaus," said they. "He did not know for what purpose Mr. Turner wished to secure the loan and is not guilty of being a party to the bribery."

To all of which Mr. Folk replied that this was for the jury to decide, and that his duty compelled him to bring the defendant to trial.

Even members of the clergy espoused the cause of the millionaire, but the answer given them by the lawyer was the same as his reply to the laymen.

Therefore, in due course of time, the case of Henry Nicolaus was called in the criminal court before Judge O'Neil Ryan, and both sides announcing ready, the trial began. The defense was represented by Charles Nagle, who has frequently been mentioned for high office in Missouri; by Jesse A. McDonald, who at that time had been elected to the circuit bench, but had not taken the oath of office, and by Judge Finkelburg, three of the most eminent counsel in St. Louis. Mr. Folk prosecuted, and was assisted by Andrew C. Maroney and C. Orrick Bishop, who had been with him in all the bribery cases.

The testimony was the same as that introduced in other trials which involved the Suburban bribery cases, with the exception that more stress was paid to the part taken by Mr. Nicolaus.



Mr. Turner described the method he adopted in securing the money for the bribe-takers and in placing it in the hands of Mr. Stock, who was to act as the go-between in deals with members of the assembly.

Questioned as to whether Mr. Nicolaus knew, when he signed the notes for \$135,000, the use to which the money was to be put, he replied in the negative and said that he had asked Mr. Nicolaus to sign his name as a personal favor.

When the state announced that its evidence was all in, the attorneys for the defense filed a demurrer and Judge Ryan ordered the jury out of the court room, in order that the attorneys might argue the motion. Mr. Nagle and his associates declared to the court that nothing had been brought out in the case to prove that their client had any knowledge of the manner in which the \$135,000 was to be spent, and therefore could not be charged with having participated in the bribery of the assemblymen.

Mr. Folk replied that it was not necessary to produce direct evidence showing that Mr. Nicolaus had this guilty knowledge. He argued that it was ridiculous to suppose that a business man, such as Mr. Nicolaus had always proved himself to be, would place his name on paper that made him liable for \$135,000 without knowing for what the money was wanted.

"It is impossible," continued Mr. Folk, "ever to bring before a jury actual proof of what was in a man's mind at a certain time. Judgment must be prompted by connecting that man's usual habits and actions with the circumstances that surrounded such actions."

He compared this phase of the case to that of murder in the first degree, in which to secure conviction it is necessary to prove intent. "That intention must be made clear by circumstantial evidence, it being impossible to prove what was in the prisoner's mind at the time he committed the deed," he argued.

Judge Finkelnburg replied to Mr. Folk, and cited several authorities to prove that this case was not the same as those to which the circuit attorney had called

attention, and in order to prove Mr. Nicolaus guilty of bribery it was necessary to bring direct evidence in support of the claim that the brewer knew the purpose for which Mr. Turner wanted the money that would be secured as the result of signing that note.

When the lawyers had concluded, Judge Ryan caused the jury to be returned to the court room, and, addressing the foreman, he instructed him to return a verdict of not guilty. He said from the bench that he entirely agreed with the attorneys for the defense, that no evidence had been adduced proving that Mr. Nicolaus had knowledge that a crime was to be perpetrated, and that if the trial should proceed and the jury convict he would be compelled to reverse their verdict. Therefore, to save time and annoyance, he would instruct them at once to free Mr. Nicolaus from all charges.

The foreman seemed greatly confused at this turn of events, and did not know what to do until the judge instructed him in detail as to the manner in which the vote of acquittal should be cast. When it was done the jurors filed out of the court room, and it was evident from their expressions that they were perplexed and mystified by the events that had taken place while they were absent from the tribunal and of which they knew nothing until they reached the street.

Meanwhile the sheriff had great difficulty in preserving order, for the moment announcement freeing the prisoner had been made by the court scores of Mr. Nicolaus' friends rushed within the railing, grasped his hand and slapped him on the back. Then after the erstwhile defendant had thanked his attorneys he walked out of court freed from all charges and restored to the same status under the laws of Missouri that he had held previous to the return of the indictment by the grand jury.

\* \* \*

The next afternoon Mr. Folk took the receiver down from his desk telephone, and calling the number of a trust company, asked to speak with Charles Turner.

"I wish you would come to the Four Courts immediately, Mr. Turner," said the circuit attorney, and the former street railway president, who had gone from that business into banking, at once complied with the request.

"Well," questioned Mr. Folk, when Turner had taken a seat in his office, "what about Wainwright?"

"How do you mean?" inquired the visitor.

"Didn't HE know for what purpose you were securing the money? Didn't HE know, when he signed those notes, that you were going to use money for bribery?"

Mr. Turner nodded his head in affirmation.

"Well," said Mr. Folk, "if HIS case ever comes to trial, will you so testify on the stand?"

Another affirmative gesture.

"I want that in writing," said the lawyer, emphatically.

"No; I won't"—

Mr. Folk rose quickly from his chair. "I shall go before the grand jury at once and ask your indictment."

Mr. Turner stammered: "I—I—I—but what is the matter with my word? Isn't that sufficient for you?"

"No," said Mr. Folk, positively, "it is not. I want this in writing and I want it sworn to. If you don't do as I require, and at once, I shall take the only step which is left open. The state cannot take any chances with you."

And then and there, in the presence of the St. Louis circuit attorney, Charles H. Turner dictated to the official stenographer a statement that Ellis Wainwright knew when he signed his name to the notes for \$135,000 that the money secured from these notes was to be used by Mr. Turner and Philip Stock in an effort to bribe the municipal assembly; and when the stenographer had transcribed his notes into long-hand Mr. Turner placed his signature thereto and the signature was acknowledged before a notary public. That document lies today in the archives of the circuit attorney's office.

And that is why Ellis Wainwright cannot visit the

shores of the United States without being in danger of arrest and extradition by the State of Missouri.

Many persons believed that Mr. Wainwright would be back in St. Louis in the fall of 1903.

"Now that Nicolaus is acquitted, why, of course, he will come," they said.

But the reader can judge from the above whether or not the case of Mr. Ellis Wainwright, if ever brought to trial, will terminate as did the case of Mr. Henry Nicolaus.

## CHAPTER XV

### FOLK INFLUENCES FEDERAL LEGISLATION

THE flight into Mexico of former Councilman Charles Kratz gave Mr. Folk another opportunity to demonstrate with what care he had mastered every phase of the laws bearing upon the bribery question; and his actions in this emergency proved him a statesman, in that he met on equal terms persons who were high in the Federal service, and was able to convince them of the correctness of his views; furthermore, his efforts furnished remarkable proof of his persistence in fighting for the right.

A local character prior to this time, the St. Louis prosecutor became of national prominence.

The first arrest of Kratz in Mexico, as has been stated, occurred soon after his arrival at Guadalajara, the date, April 8, 1902. The capture of the fugitive by the Mexican police was at the instance of Mr. Folk, who acted through the authorities at Washington, and their action was based on a Mexican law which authorized President Diaz to surrender any foreigner if the head of the government requesting his extradition would promise reciprocity.

Secretary Hay was asked by the St. Louis circuit attorney if such a bargain could be made between President Roosevelt and the president of the sister republic, but after several conferences with members of the cabinet, he decided that as no treaty covering bribery existed between the two countries, it would be impossible for the chief executive to bind himself with the reciprocal clause. Upon the promulgation of this decision, Kratz was released by the Mexican authorities, and he at once commenced to ingratiate himself in the

good will of his new-found friends beyond the border.

Although defeated in his attempts to bring back the boodler, Mr. Folk never for a moment gave up the idea of finally compelling the run-away ex-councilman's presence before the bar of justice, and to this end he devoted considerable time and energy.

That no treaty covering bribery was in existence pointed to the startling fact that Circuit Attorney Folk was the pioneer antagonist of boodlers, for throughout the length and breadth of this country, teeming, as everyone knows it does, with rottenness in municipal government, no one man had so thoroughly applied the scourge as to cause corruptionists to flee in terror, and therefore no precedent for their compulsory return had been established. Exception need not be made even of the "Boss" Tweed case, for the treaty under which he was brought back mentioned a form of embezzlement, not bribery.

A careful study of the general law of extradition proved to Mr. Folk that crimes had been added to treaties when necessity demanded. For instance, the document might have started with murder and burglary, then arson would have been added, and later embezzlement, when the flight across the border of bank officials became epidemic.

Now is the time for a bribery treaty, he argued, for surely the necessity has arrived; and during the summer and fall of 1902 he made frequent trips to Washington and visited Secretary Hay, whom he persistently urged to communicate with Mexico in an endeavor to have such an international agreement adopted.

"Even if we do," replied the secretary of state, "how will that benefit you? It would not be retroactive, and therefore you could not secure the return of the fugitive boodlers."

"If we can not get those who have gone, let us make it unsafe for others to seek harbor there," urged the circuit attorney; yet, even while so speaking, he held a trump card for play later in the game.

As Mr. Hay still hesitated, the persistent St. Louisan enlisted the support of Senators Cockrell and Vest, who joined him in urging the necessity for action. As a result, Ambassador Powell Clayton was instructed in the winter of 1902 to negotiate with Mexico a supplemental extradition treaty, which should cover the crime of bribery.

Mexico met the overtures of the United States half way, and in a very short time there was placed on paper an agreement which covered the "new crime" in every particular.

To be effective this treaty must be ratified by the senate, and, as Secretary Hay had foreseen, opposition was encountered on the ground that the instrument might be used for political effect. Had there been no one present to champion the measure, it probably would have been defeated in the upper house, but the ever vigilant circuit attorney arrived in Washington on the day when the treaty was being considered by the senate foreign relations committee, and for two hours he held the veteran legislators spell-bound with the story of municipal corruption. He denounced bribery as even worse than murder, for it struck at the life of the community, and not at the individual; he pictured the danger in which liberty and free government stood, and declared that the sovereignty of the American citizen was jeopardized by such corruption as had been discovered in St. Louis.

That address caused the measure to be approved in March, 1903, and the first extradition treaty covering bribery in the history of the United States owes its place in the books of international law solely to the efforts of Joseph Wingate Folk.

This much accomplished, the circuit attorney set about to secure the return of Kratz, and at once opened a new chapter of correspondence with Secretary Hay.

The reply from the state department was that the treaty not being retroactive, it could not include persons who had fled to Mexico before its ratification.

Mr. Folk answered with citations from authorities,



to the effect that extradition treaties were retroactive unless they contained a specific clause to the contrary.

Back came word that although this treaty contained no such clause, yet the fact that it should not be retroactive had been specifically mentioned during the preliminary negotiations.

Then Mr. Folk went at the state department upon another tack, arguing that as this treaty was a supplemental treaty to the general treaty of extradition with Mexico, it must be retroactive, inasmuch as the general treaty, upon which it was grafted, covered all crimes committed since the date of the original.

When this communication reached the state department the authorities scratched their heads and put on their thinking caps anew. Somebody in Washington remarked that that prosecuting attorney out in St. Louis was "the most persistent cuss he had ever run up against." Solicitor Van Dyne, considered an expert on extradition, was called in and his opinion was asked concerning this phase. "It is correct," said he, and he pointed out that recent supplemental extradition treaties with France and England had been viewed in the same light.

The correspondence continued throughout the entire summer and early fall of 1903, and might have been further prolonged had it not been for the revelations of fraud in the postoffice department and the bringing home to the federal government the necessity which might soon arise of chasing its own boodlers into foreign lands. While these scandals were at their height, President Roosevelt, at the suggestion of a friend, invited Circuit Attorney Folk to take luncheon with him at the White House, and on the morning of October 8, 1903, the St. Louis prosecutor arrived in Washington.

Three persons were at table that noon, Mr. Roosevelt, Governor Murray Crane, of Massachusetts, and Mr. Folk. During the hour and a half that they were together bribery was the only subject under discussion, and when they arose from their chairs Mr. Folk had

the president's hearty assurance that he would do everything in his power to aid in bringing back the boodlers who had fled from the United States. Moreover, he promised to at once take the initial step and requested Mr. Folk to return in half an hour.

The circuit attorney did so, and upon again reaching the White House he found that Secretary Hay had been called to the conference. The subject of the return of Kratz being broached, the chief executive signified not only his intention of asking Mexico to give up the fugitive, but said that he desired similar treaties negotiated with other countries.

Mr. Hay was not enthusiastic, and he advanced the arguments that he had used in reply to Mr. Folk. But if the president insisted, he was willing to try, he added. Would it not be well, however, to have an opinion from the attorney general?

"By all means," said the president, who suggested that Mr. Folk call at the office of Attorney-General Knox.

No sooner had the St. Louis prosecutor left the White House than Mr. Roosevelt spoke to the attorney general over the telephone, saying: "Give Mr. Folk all the assistance you can, and furnish him with the information which he will ask."

General Knox proved a willing listener and upheld Mr. Folk's contention that the supplemental treaty with Mexico was retroactive, both because it contained no clause to the contrary and because it was part of the original treaty. This opinion he put in writing and caused it to be sent to the department of state.

Still another visit did Mr. Folk make to the White House, joining the president soon after dinner, and at this last conference he was asked by the chief executive if he would not accept a position under the government and prosecute the postal frauds which were then being exposed and which were the sequel to the get-rich-quick exposures described in the last chapter. It was a great temptation, but the circuit attorney declined the honor, saying that duty demanded

that he remain in St. Louis until the work there should come to an end or his term of office should expire.

The president and his visitor then went more into detail concerning the St. Louis cases, and Mr. Folk, upon leaving, had Mr. Roosevelt's assurance that treaties covering bribery would soon be negotiated with all nations, in order that boodlers might find no haven of refuge in any civilized country.

The next day, October 9, was passed by Mr. Folk in the state department, where he was a member of the conference which framed the instructions for Ambassador Clayton's guidance. It was finally decided that the request to President Diaz should be based on the Mexican law which provided for the extradition of foreigners on a promise of reciprocity. "For," said Secretary Hay, yielding gracefully, "in view of the attorney general's opinion, we can now make such a pledge."

The instructions to the American embassy in Mexico were dispatched on the following day, and then the scene of the battle against bribery changed to the city of perennial sunshine and balmy breezes, Guadalajara, the pearl of the West.

## CHAPTER XVI

### AND KRATZ CAME BACK

**I**N GUADALAJARA, Kratz had become a merchant prince.

Immediately after his first arrest and release he informed the residents of that Mexican city that he had been persecuted in the United States and compelled to flee to another country. "They fear me up there," said he. "If I should go back I could at once be elected governor of Missouri, but the time is not ripe for that, and I shall wait until word comes that my enemies have been defeated in the preliminary elections which are about to be held."

When Kratz left St. Louis he was worth several hundred thousand dollars. Part of his property was in cash, some in stocks and bonds, and the remainder in real estate. As he had forfeited a \$40,000 bail piece, it was necessary to pay this amount to his bondsmen, and the court records show that the judgment was met in full. The remainder of the estate was converted into exchange, which Kratz could use conveniently in a foreign country, and he at once began to place this money in such a way as to attract the attention of Mexicans. He invested in land on the outskirts of Guadalajara that has been reckoned of value as mining property; he purchased a hacienda and then made elaborate plans for the construction of a railroad that should connect his properties with the city.

He was joined within six weeks by a St. Louisan who had more money to invest, and after this man's arrival he boasted that it would not be long before he would establish in the vicinity of Guadalajara a colony of Americans, all of whom would have plenty of money

in bank and who would help build up that section of the country.

It was while Kratz was enjoying the best that there was to offer in that beautiful Mexican city, that Mr. Folk visited Washington and convinced the state department that the treaty with Mexico was retroactive. Of course the fugitive heard the news that came over the telegraph wires, and he also heard that Ambassador Clayton had been asked to request his arrest by the Mexican government. But he pretended not to care about this development, repeating to all his new-made friends that it was only the continuance in another form of the persecution to which he had been subjected for years.

When the boodler was finally arrested, as a result of Mr. Folk's efforts, there was an opera bouffe air about the transaction as amusing as anything that ever occurred on the stage.

The chief of police of Guadalajara called upon Senor Kratz one evening and, begging his pardon, stated that he had been ordered to place the American under restraint. He disliked to do so, he insisted, and was convinced that such a step was a mistake, but as the orders had come from the capital, they would have to be obeyed.

Kratz had been expecting arrest for several days, but he felt flattered at the manner in which it was done, and replied to the chief of police that, although it was a great inconvenience, he was prepared to accompany him anywhere. "As I have repeatedly told you, I have done no wrong," he added. "I was a leader in St. Louis and Missouri politics, and I am being persecuted by a man named Folk. I did not wish to go back just yet, as the time is not ripe for me to make a stand, but if I am compelled to return I can worst my enemies."

The Guadalajara authorities were so impressed with what the prisoner had to say and with what he had stoutly maintained while a resident there for over a year, that they did not place him in the penitentiary, where prisoners are usually kept, but gave him a room

in the governor's palace, and the gendarme who was stationed at the door served the American more as a valet than as a jailor. Kratz was free to walk in the court, he was brought any food he might desire, and the best of wines found their way into his apartment, as well as the choicest edibles. He entertained his friends as he wished, and no person who was at all objectionable to him was allowed entrance to his quarters.

When Kratz was arrested his friends said he would be held only three days, and his lawyer, Fernando Castanos, hurried to the City of Mexico to ascertain what could be done on behalf of the "persecuted American."

At the end of three days all Guadalajara was excited by an order from the capital, directing that Kratz be held thirty-five days, pending the arrival of extradition papers from Washington.

Soon after this, Sheriff Dickmann and Chief of Detectives Desmond, of St. Louis, arrived in Guadalajara. But when they engaged quarters at a hotel and did not return to the United States at once with Kratz, the many friends of the fugitive laughed and said that it was only another American bluff.

But the next day these friends were treated to a surprise that came as a shock. Upon calling at the palace for the usual matutinal chat with the "persecuted American," they were informed that he no longer occupied the sumptuous apartments.

"Where, then?" And there was an uplifting of eye-brows, in addition to the verbal query.

The gendarme pointed westward, where stood the penitentiary.

The eye-brows curved higher and the fire of questions became rapid.

"Orders from the capital," was the only reply.

After recovering from their surprise, the friends of Kratz remarked to other friends: "Well, perhaps it is for the better. The penitentiary is more healthful than is the palace. He will have more light and air there. Anyway, it will be only for a short time."

The extradition papers did not reach Guadalajara until November 17, and several days elapsed before they were translated. Then a hearing was held in the cell of the prisoner at the penitentiary, conducted by the district judge. The charge of bribery was read to him, and he was asked to enter a plea.

"I don't know anything about it," was his reply.

Following the hearing, written testimony was presented by Charles Carroll, one of Kratz's fellow councilmen in St. Louis; Joseph Schnaider, a former St. Louisan, now conducting a brewery in Guadalajara, and L. J. Meiser, of St. Louis, to the effect that Kratz's character was good and that Folk, in demanding his extradition, was merely seeking personal revenge because of a political difference of opinion. In this testimony they drew glowing descriptions of what Kratz would do for Mexico if allowed to remain there.

The court listened attentively, and in a few days decided that Kratz should be returned to St. Louis for trial. No evidence of political persecution could be found, it was declared, and there was every indication that the prisoner had committed a serious crime.

When Kratz heard of the decision he gave up hope. There was talk of an appeal to the supreme court for a writ of *amparo*, which might prolong the fight for many months, but the thought of spending his time in jail discouraged the fugitive, and, contrary to the wishes of his lawyer and of his companion, Carroll, he sent for Sheriff Dickmann, whom he had known intimately from boyhood, and said he was willing to return to St. Louis.

He emphasized the fact that he wanted to return voluntarily and not wait until the higher court said he must go. "Take me at once," he said.

But the sheriff told him they must wait until the proceedings had been reviewed at Mexico City, and Kratz was compelled to remain in the penitentiary until January 4, when the department of foreign affairs announced its approval of the Guadalajara court's findings.



Chief of Detectives Desmond, who was the authorized agent of the United States in this extradition case, had returned to St. Louis before the decision was made, but in reply to a telegram from Sheriff Dickmann, he hastened to Guadalajara, and the two brought the fugitive back to the United States, reaching St. Louis on January 11.

The runaway councilman was the object of curiosity throughout the entire journey. At little country towns farmers crowded about the car for a glimpse of him, and he rode most of the 3,500 miles with the curtains of his stateroom drawn. Still his egotism was so intense that he enjoyed the notoriety and during the journey frequently declared that he was the most famous man in the country.

Kratz pleaded not guilty when arraigned before Judge McDonald in St. Louis, and another bond of \$40,000 was named.

Several weeks later he asked and was granted a change of venue to a distant county.

## CHAPTER XVII

### FIRST INDICTMENT AND TRIAL OF BUTLER

ALTHOUGH the last chapters have dealt almost exclusively with cases that were the result of the Suburban bribery exposure, yet during the time these many moves were being made on the legal checker board, there were others no less important, and several perhaps more so. Mr. Folk's investigation, starting with Turner and Stock, and branching from the intrigues in which they had been parties, led into various other channels of municipal corruption. He found many "grafts" that had been levied by officials in the city hall who held petty positions. Among these were illegal charges for issuing of various permits and other charges for issuing permits when the documents in themselves were not according to law.

Merchants who desired to occupy portions of a sidewalk, contrary to ordinance, would, by petty bribery, secure licenses; others, by similar means, were able to extend awnings further than the city statutes provided and have larger signs than were permissible. When indictments were rendered in such instances the crime came under the head of misdemeanor, and the cases being certified to the court of criminal correction, they passed beyond Mr. Folk's jurisdiction.

Early in the bribery investigation and for several weeks after it was under full headway, the question was frequently asked, "Why has not Edward Butler been caught in the toils?"

The question was not difficult to answer by those who knew the "boss" and understood his methods. But-

ler, as was told in chapter two of this narrative, owned and controlled men before they became members of the municipal assembly, and therefore it had seldom been necessary for him to even divide with them the "fees" which he received from those who desired special legislation. Although Butler never has hesitated in saying that he has caused the passage of bills through the municipal assembly, and that he has been paid for his services, and although he admits having influenced other legislation that was favorable to him, his position has been maintained that not in recent years did he have to resort to bribery. He was the master; members of the council and house of delegates were his slaves; what he said to them was law and they obeyed.

When finally an indictment was returned against Butler, charging bribery, the newspapers shouted with loud acclaim that now the right criminal had been run to earth, and with his conviction the investigation would be at an end. They were mistaken in their premises. This, the first indictment of Butler, was a mere incident, and the facts that led to it became known to Mr. Folk in a roundabout way.

Living in South St. Louis at this time was Dr. Henry N. Chapman, a member of the St. Louis board of health, who, one day, while talking of the boodle investigation and the methods of bribe-givers and bribe-takers, told his wife that on a certain occasion he had been offered a present of \$2,500 by Edward Butler. The gift, he continued, was to be a *quid pro quo* for his vote on the garbage contract, a bid for which had been made by a company in which Butler was a heavy stockholder.

Mrs. Chapman's father, Captain W. R. Hodges, happened at this time to hold a position in the newly elected council, which, in view of the crookedness that had pervaded the body in former years, caused him to believe it necessary that he demonstrate unusual honesty and integrity, so that all the world might know how he differed from those who had preceded him.

Hearing the story, which in due time was related to him by his daughter, Captain Hodges went forthwith to Mr. Folk and laid the facts before the grand jury. Of course Dr. Chapman was summoned, and his testimony resulted in a subpoena being issued for Dr. Edward Merrill, a physician of the North Side, also a member of the board of health, and who, Chapman understood, had a similar experience with the political boss.

It was on the strength of the evidence given by these two physicians that Edward Butler was indicted for bribery. That a true bill had been found by the grand jury was known to the general public several days before announcement was made in court, and Butler on several occasions called at the sheriff's office and offered to surrender himself and give bail. The morning when the document was returned he was within a few yards of the Four Courts, and immediately appearing with bondsmen who had been his constant attendants, he was enabled to resume his business after a few minutes' interruption.

The powerful position in both politics and finance which this millionaire had held for years presaged a legal battle worthy of any ambitious lawyer's steel, and Mr. Folk and his assistants, Messrs. Bishop and Maroney, devoted much of their time during the early months of 1902 to making ready for trial.

All St. Louis was desirous of listening to the evidence and arguments in this cause, but they were denied the days of excitement by a motion made by the defendant's attorney and granted by the court transferring the case to another circuit on the ground that Butler had so many enemies in St. Louis and had been so cartooned and lambasted in the papers that no jury in the city could give him a fair trial.

In granting the change of venue the judge asked the attorneys for both state and defense where they wished to have the case certified. Mr. Butler's lawyers mentioned Union or Fulton. Mr. Folk insisted upon Columbia. "Columbia it shall be," said Judge O'Neil Ryan, and it was so entered on the docket.

"One might as well try the devil in heaven," said former Governor Charles P. Johnson, the celebrated criminal lawyer, in an aside to a newspaper reporter when this decision had been rendered.

To understand the force of the remark, it may be explained that Columbia is the seat of Missouri State University, and its population is reputed the best educated of any west of the Mississippi; in fact, the residents consider themselves further advanced than Bostonians, and call their town, "The Athens of America." A rather poor place therefore in which to secure sympathy for Edward Butler, boss politician and owner of municipal assemblies.

So soon as this point was decided attorneys for the defense commenced to strengthen their ranks by engaging learned talent who practiced in the interior of the state, and brought to their aid Judge Alexander H. Waller, Judge William M. Williams and Messrs. Gentry and Gordon. Mr. Folk also reinforced his assistants by securing the services of Jere Murray, circuit attorney of Boone County, and 'Squire Turner, an attorney of Columbia.

The trial of Butler at Columbia was set for October 13, which gave both sides several months in which to make ready.

During the interim stories were afloat to the effect that gangs of roughs intended to take Columbia by storm and reap personal injury upon any jury that might convict the "old man." These rumors became so persistent that the police force at Columbia was augmented when the time for the trial drew near, and two St. Louis detectives were sent there to assist in preserving order.

But all fears of such kind were groundless. Butler, in fact, gave orders that none save members of his family and a few of his intimate friends should journey to the college town, and although the latter numbered a score or more they proved quiet and orderly visitors.

Edward Butler, Jr., who has charge of his father's

blacksmith shops in St. Louis, was the first member of the family to go to the county seat of Boone, arriving there Saturday afternoon before the trial, which was set for Monday morning. He engaged rooms for his father, mother, and witnesses for the defense, at the Palace Hotel.

Sunday afternoon Col. Butler and his wife arrived from St. Louis, attended by James J. Butler, at that day a candidate for congress on the Democratic ticket in the Twelfth district; Mrs. James J. Butler, John R. Butler and the latter's wife and child. A few hours later, Mr. Folk, his assistant circuit attorneys and the witnesses for the state arrived.

It was freely commented upon by the newspaper men and others who had flocked into Columbia that the scene resembled the assembly of politicians for a convention, rather than the gathering for a criminal trial. Persons talked in the streets of Folk headquarters, which were maintained at a hotel known as "The Cottage," and of Butler headquarters, which were at the Palace. The lines were clearly drawn between the two, witnesses for the defense and lawyers for the defense having rooms at the latter hostelry and witnesses for the state being accommodated at the place where Mr. Folk occupied apartments.

Citizens of Columbia asked, "Where is Folk?" and "Where is Butler?" even as they would ask the whereabouts of a candidate for governor or congress, and when one of the principals in this drama appeared on the streets they would crane their necks and exclaim, "There he goes."

Late Sunday afternoon Butler strolled around the city, and before he returned to the hotel he was being followed by a number of young men and boys. About the same time the circuit attorney of St. Louis was attracting equal attention on the campus of Missouri University.

In the course of his rambles Colonel Butler paused in front of the little old courthouse, where on the morrow he was to answer the charge of bribery, and while

he waited someone who was at his side read aloud the inscription, which many years ago was chiseled in the stone foundation of a pillar:

"Oh, Justice, when expelled from other habitations make this thy abiding place."

It was an hour later that Butler, standing on the steps at the hotel, made a remark that has been quoted all over the country. He was talking with a reporter for the *Globe-Democrat*, describing his walk of the afternoon, and the thought evidently coming to him that he had seen no manufactories or large stores, he turned to a bystander and asked, "What is the business of your town, anyway?"

"Education," was the reply.

"Education!" said Butler, contemptuously; "well, that's a hell of a business."

Bright and early next morning the little court room on the second floor was so packed with curious humanity that deputy sheriffs could only with difficulty force a passage for those whose business called them within the railing. All had a long wait, for Judge John A. Hockaday did not live in Columbia and the train on which he was coming had been delayed at a junction.

It was an old-fashioned court room, narrow and poorly ventilated. The judge's desk was no larger than the desks used by teachers in the days of the little brown school house; indeed, it was probably one of them. Common chairs, held together by boards nailed under the seats, were placed in a row for the jurors and hard-backed benches, rising in tiers, served for the auditors. The distance from the rail to the judge's bench was not over three feet and a half, so that the attorneys could barely squeeze into the space.

Edward Butler was accompanied into the court room by his aged wife and his sons, and every day during this and other trials, these same faithful relatives were by his side.

When Judge Hockaday finally arrived and the case had been formally opened, the defense introduced a



demurrer to the indictment. It was a long document, the substance being that the board of health of St. Louis had not been authorized under the law to approve or recommend any contract for the reduction of garbage, and that, therefore, even if Colonel Butler had offered money to a member of this board, he could not have been guilty of bribery.

The motion was argued during the entire afternoon, and Judge Hockaday took the case under advisement. The next morning he overruled the demurrer, denying the contention of the defense and ordering the case to proceed.

Immediately a motion was filed by the attorneys for Butler that the trial be postponed until the next term of court, and they submitted as their reason an affidavit sworn to by Butler, stating that one John R. McCarthy, an important witness, was missing and could not be found in St. Louis.

Mr. Folk objected to any continuance, maintaining that the defense had ample time in which to secure service on its witnesses, but Judge Hockaday stated that he wished to be fair to both sides and continued the case until November 10.

Butler and his sons returned to St. Louis and at once entered upon the work of the fall campaign, in effort to elect James J. Butler to congress. It was into this campaign that party leaders sought to draw Mr. Folk, saying that he should speak in behalf of the Democratic ticket, but the circuit attorney maintained that he could not consistently support on the stump one member of a family when he was prosecuting another member in the criminal courts.

## CHAPTER XVIII

### BUTLER CONVICTED, THEN SET FREE

THE little court room at Columbia was crowded to suffocation on the morning of November 10, 1902. Edward Butler, accompanied by his sons, Edward, John and James J.; Mrs. Butler, wife of the aged defendant, and the son and wife of James J., wended their way through the crowd to a seat opposite the table at which Mr. Folk and his associates sat.

To hear the case and pass judgment a special jury of farmers, all democrats, had been secured. The indictment set forth that on or about September 16, 1900, Edward Butler offered Dr. Henry N. Chapman a bribe of \$2,500 for his vote as a member of the board of health in securing for the St. Louis Sanitary Company, in which Edward Butler was a stockholder, a contract for the reduction of the city's garbage. A bribe for the same service was offered, the state alleged, to Dr. Albert Merrill, the sum being \$ 2,400 in his case; and to prove motive, Merrill was used as a supplementary witness.

In addition, the circuit attorney called Mrs. Chapman, Tillie Brattan, a nurse, and Ella Vancil, a cook for the Chapman family, to prove the fact of the visit; and Edmund A. Bell and wife to prove the date. A dozen other witnesses were introduced to give formal evidence, but the main story hinged about the testimony of Dr. Chapman and Dr. Merrill.

The former, upon being called to the stand, was asked:

"Did you see Edward Butler on September 16, 1900?"

"Yes, in my office between 6 and 7 o'clock in the evening," was his answer.

"State what transpired then and there."

"Mr. Butler commenced the conversation by telling me what a fine plant the St. Louis Sanitary Company had. He then said: 'We are going to make a bid for the reduction of garbage and as we have run the plant ten years at a loss the city ought to give the new contract to us, if possible.'

"I said that if there were more than one bid the lowest bidder would get the contract.

"'Doctor,' said Butler, 'when our bond of \$50,000 is released, if we get the contract, I would like to make you a present of \$2,500.'

"My answer to this was: 'I could not take the money, Mr. Butler.'

"He then went away, saying, 'I will see you again.'

"On November 1 he again called at my house about 6 o'clock in the evening, and met me in the same room as before. The only illumination was from a gas lamp in the street. He stood close to the folding doors and peered into the next room. He had a roll of bills in his hand and addressed me, saying, 'Doctor, I am a man of my word. I'm here to give you that money I promised.'

"I said: 'Mr. Butler, I thought I made it plain to you that I would not take it.'

"'Are you a millionaire?' he asked.

"'No; but I cannot use that money.'

"He was excited and exclaimed, 'You are a man in a million; but you won't hold this against me, will you?'

"'No,' I told him, 'I suppose, according to your light, this is right, but, according to my light, it is wrong.'

"Then he made a motion as if to thrust the money into my clothing. I stepped back and he left."

The cross-examination of Dr. Chapman by Judge Krum revealed a three-fold defense. First, to show that the ordinance giving the power of letting the garbage contract to the board of health was not approved by the mayor until after September 16, hence

Dr. Chapman on that date could not have been in a position to be bribed. Second, an alibi, and third, that Dr. Chapman had admitted to a newspaper man that there was no reason for Butler's having to resort to bribery, as there could be no competition.

The physician, in answer to questions, admitted that he had told the reporter that he could not fix the date of the Butler visit, but he recalled on the stand that his friend, Mrs. E. A. Bell, had returned from a tour of Europe just a week after the episode and the return date was fixed as September 22.

"Did you say in an interview that Butler had no need to offer money, as the ordinance provided for the reduction of garbage by the Merz process, and so could not have been awarded to anyone else?" was Judge Krum's next question.

"Yes; I said that approximately, but I don't know exactly," was the answer.

On re-direct examination Dr. Chapman said he considered the Butler visit as one of the most momentous episodes in his life and had mentioned it to a number of persons.

Dr. Albert Merrill then testified that he also had been visited by Edward Butler, who had offered him a present for his vote on the garbage contract.

The defense made no denial of the charge of attempted bribery. Reliance was placed in an alibi established by Colonel Edward Butler, his sons, James J. and Edward, and John J. McCarthy, and on the allegation that Dr. Chapman's memory as to dates was at fault.

Colonel Butler's strong character proved too much for his lawyers and he insisted on answering questions propounded by the circuit attorney. One interrogation, made possible by an oversight of the defense, when Butler was questioned concerning his occupation, gave Mr. Folk the opportunity of getting before the jury an indirect admission that Butler's business was a briber of office holders, and this damaged the defense greatly. Butler's testimony transcribed from the court stenographer's notes reads as follows:

"What is your name?"

"Edward Butler."

"Age?"

"Sixty-four or sixty-five."

"Where do you live?"

"In St. Louis, since 1857."

"What is your general business?"

"Horse shoer."

"For how long?"

"Well, since I was eleven years old. I began to shoe horses for a trotting horse dealer in New York when I was eleven years old and have stuck to it ever since."

"Where were you on September 16?"

"I was laid up nearly all that month with lumbago and gout in my feet. Once in a while I got out with my nigger. I remember I went out once to the sanitary works when the board of health went there on an inspection tour and once to my son's house."

"Do you recall a visit to the sanitary works on September 28?"

"Yes, that was the time I spoke about, when the board went there to inspect the premises."

"Did you visit Dr. Chapman on September 16?"

"Not any time in September, nor anybody else's residence in that month, either, except my son's, across the street."

That completed the direct examination, but the one question as to occupation gave Mr. Folk his opening. Said he:

"I will ask you, Mr. Butler, whether your general business is that of putting ordinances through the municipal assembly; in other words, is not your general business bribery?"

Butler's attorneys entered strenuous objections to this. The defendant, however, insisted on answering, and replied, his voice ringing out so that it could be heard in other rooms of the court house:

*"I can say emphatically no, sir; unless I was interested myself and unless I was held up. I have done just as any other man would do to try to take care of*

*his money. No; if you ask me if previous to this time my business had been general bribery I say no."*

The answer was all that Circuit Attorney Folk could want and he did not press further.

The sons of the boss stated that their father was sick in bed on the day when it was alleged the visit had been made to Dr. Chapman's, and McCarthy swore he was the one who had driven Butler to the Chapman residence when he finally went there, and that the visits were in the middle of October and in November.

The arguments were long and brilliant. Mr. Folk's speech was an oratorical effort such as has seldom been heard in the West, and his peroration, uttered beseechingly, "Missouri! Missouri! I am pleading for thee, pleading for thee," probably did more to impress the jury than did any other phrase.

It was a dismal closing of a cold, damp day when the jury retired. At 11 o'clock the foreman sent for pen and ink. The news that a verdict had been agreed upon spread through the quaint little town, but Judge Hockaday had retired, and it was 9 o'clock the next morning before the question, "Gentlemen, have you agreed upon a verdict?" was asked.

"We have," came from the foreman. "Guilty, and the punishment is fixed at three years in the penitentiary."

Motions for a new trial, and in arrest of judgment were quickly filed by the defendant's counsel and as quickly overruled. Three hours later Edward Butler, his strong face showing to greater advantage than ever before, was sentenced by Judge Hockaday, and having given bond to perfect an appeal to the supreme court, he started back to St. Louis.

That appeal was successful. The opinion of the highest tribunal, written by Judge Fox, held that the board of health had no right or authority to let such a contract as the garbage ordinance provided, hence Edward Butler could not be guilty of bribing Dr. Chapman, as the latter had no authority to act. Therefore the decision at Columbia was reversed and the defendant was discharged.

## CHAPTER XIX

### SECOND INDICTMENT OF BUTLER

TWO hours after the jury at Columbia had found Edward Butler guilty of bribery in the Chapman case, Governor Charles P. Johnson paced up and down the floor of his room at the Palace Hotel and exclaimed: "Why didn't they let him go on and tell his story?" This he repeated time and again and the few who were present noticed that tears of anger and disgust rolled down his cheeks.

The "they" referred to by the venerable lawyer were the men who were his associates in the defense, and the point which he criticised so bitterly was the fact that the defendant was not permitted to detail his relations with Dr. Chapman.

Why this was not done brings into the story a second indictment of the millionaire horse shoer, one that was returned after the trial of the garbage case had been sent on a change of venue to Boone county, and which charged him with having purchased votes in the interest of a bill providing for the lighting of certain sections of St. Louis, that became a law in 1899.

The reader will recall that several former members of the house of delegates were sent to jail soon after John K. Murrell, the returned fugitive, made his confession. Had all of them been able to secure bail the exposure of bribery would probably not have gone further than the Suburban deal, but Mr. Folk felt sure that they had other guilty knowledge, and wishing to smoke it out he induced the circuit judges to insist upon such large bonds that it would be impossible for all to furnish them. So, although Butler was permitted to sign bail pieces for four or five of the prisoners, the



court refused to accept his signature for a larger sum than \$150,000, and he was unable to aid any more of the incarcerated legislators. In this emergency he appealed to a number of wealthy friends, but they refused to go to the aid of the prisoners, fearing the publicity of having their names coupled with those of persons under indictment. As a result, John Helms, Otto Shumacher and William Tamblyn remained behind the bars.

The latter, as has been stated, came from Cleveland, to answer the charge that was made by the two Murrells and Robertson.

During Tamblyn's residence in St. Louis he had been known as one of the best dressed men in the city. He had always lived well, and as speaker of the house of delegates he had attracted attention both by his ability and attractiveness. These characteristics had marked him in no less degree in Cleveland, and he was well on the road to success when the warrant charging bribery caused him to hurry back to his old home.

For this manner of man to be cooped up in jail with murderers, thieves and other criminals was particularly humiliating, and when at the end of fifty-one days, he found that no bondsmen were forthcoming, and that there was no hope of soon rejoining his family or re-establishing himself in the business world, he became desperate and asked his attorney, L. G. Perry, if it would not be wise to plead guilty and throw himself on the mercy of the court.

This was exactly the situation which Mr. Folk had desired, and when Mr. Perry visited him and stated that Tamblyn was ready to enter a plea of guilty, the prosecutor suggested that it might be better for his client to turn state's evidence, that is, if he could give some information other than in reference to the Suburban deal.

So Mr. Perry entrusted to Mr. Folk the fact that Tamblyn had complete knowledge of the manner in which the bill that provided for the lighting of certain sections of St. Louis by means of gas lamps had been

passed through the municipal assembly; that he knew that members of the combine in the house had been paid \$47,500 to enact the necessary legislation, and that he also knew who had paid the money as a representative of the Philadelphia concern which sought the special privilege legislation.

Mr. Perry suggested that Helms and Shumacher would probably turn state's evidence as well as Tamblyn. They had become convinced that they were deserted, and rather than remain longer in jail, they preferred either to plead guilty and be sentenced or aid the state.

Mr. Folk sent for them, then sent for Edward E. Murrell, John K. Murrell and George Robertson. All told the same story—that it was Edward Butler who had paid \$47,500 for the purpose of bribing the lighting bill through the lower house.

On the strength of their testimony a second indictment was returned against the boss, who once more was called upon to answer to the charge of bribery.

Following the same tactics adopted in the garbage case, his attorney filed affidavits to show that their client could not be given a fair trial in St. Louis, and Butler was granted a change of venue to Fulton, Callaway county.

It was while this case was pending that the first Butler trial was held in Columbia, and it was the presence in that town of Tamblyn, Shumacher, Helms, the two Murrells and Robertson that caused the majority of Butler's counsel to forbid the aged defendant going into detail concerning his interview with Dr. Chapman, an attitude that called forth the bitter denunciation of Governor Johnson.

For they knew that Mr. Folk had prepared for this very testimony by having the men who had turned state's evidence in the lighting case subpoenaed in the garbage trial and that it was his intention to cause the full story of the lighting deal to be told then and there, if the defendant, by his allegations on the witness stand, should give him the opportunity.

When the opening did not come these six repentant ex-members of the house of delegates returned to St. Louis without having been called upon to testify. They had passed a most miserable two days in Boone county, being the objects of sneers and derision cast by the Butler adherents whenever they appeared on the streets or in the dining rooms of hotels.

## CHAPTER XX

### SECOND TRIAL OF BUTLER

THE verdict of guilty in Columbia and the sentence of Edward Butler to the penitentiary acted as a bar to the trial of his case in the lighting deal until he should either serve the term or until the decision should be reversed by the supreme court, and as this tribunal held the appeal papers in the garbage case under advisement more than a year, the fact that the boss would have to stand trial on another charge was news to many persons when, in the late fall of 1903, Circuit Attorney Folk announced that the garbage case having been reversed and the ban having been lifted, he would at once prepare for trial of the lighting case, that had been sent to Fulton.

Two important events had occurred since the change of venue had been granted. Judge Hockaday, in whose circuit lay Callaway county, as well as Boone, had died, and Governor Dockery had appointed Judge Alexander Waller to succeed him; and David M. Harris, a Fulton attorney, retained by Butler, had been elected circuit attorney of Callaway.

The judicial tangle was soon unraveled by Judge Waller, who disqualified himself and appointed Judge Walter W. Graves, of Bates county, to try the case. Circuit Attorney Harris, however, did not feel that duty compelled him to follow in the judge's footsteps. He argued that as he had been retained by Butler prior to election day, he was in duty bound to look after the interests of his client, and that therefore Mr. Folk could expect no assistance at his hands. There is no law to say that he did otherwise than right, but there are hundreds of citizens in Callaway who aver

that he was indiscreet in assuming such an attitude.

The case was set for February 1, 1904, and on that day Fulton was crowded, even as had been Columbia, during the early days of November, 1902. Mr. Folk appeared with the same assistants as those with whom he had tried the case at Columbia, Circuit Attorney Murray, of Boone county, included, and was opposed by the same St. Louis attorneys, reinforced by the young circuit attorney of Callaway, David M. Harris.

For several days before the trial Mr. Folk sought the statutes diligently to learn if he could enter a *nolle prosequi* against Butler without running the risk of having the status of the case barred by the statute of limitations. His anxiety to take this step was born of the fear of the influence Harris would have on the jury. "Our Dave" is what they called him in Callaway, and in answer to the question, "Why is Our Dave defending Butler?" it was freely said: "Because he believes Butler to be innocent."

Mr. Folk had frequently heard this, and he was anxious to withdraw the case from Fulton. He found supreme court records to the effect that the statute of limitation did not run where a man was tried and convicted and the case reversed and remanded, and he also found that the statute did not run where the case was reversed on a technicality, but he could find nothing setting forth that a *nolle prosequi* reverted a case back to its original date.

Therefore, his plan to have Butler set free in Fulton then have him re-indicted in St. Louis, could not be carried out, the three years since the passage of the lighting bill having elapsed, and the state was compelled to go to trial.

The case of the prosecution was practically the story of the six men who had turned state's evidence. John K. Murrell, the first to take the stand, testified that the bill providing for a system of lighting was introduced into the lower house of the municipal assembly some time prior to Sept. 18, 1899. He was able, he said,

to recollect this date because of the fact that on Sept. 18 the combine in the house of delegates held a meeting to discuss the measure, particularly with reference to ascertaining if money could be made by them out of the bill.

"That gathering," said Murrell, "was in the office of Robert Walker, justice of the peace, and lasted for something over two hours. Each delegate declared that there must be money behind the measure and they questioned one another as to where it would come from, but no one knew. The bill had been introduced into the council, and its history was therefore not well known to the members of the lower house.

"Having decided that there was money somewhere behind the measure, the combine then voted to decide on the price for which they would sell their votes. The result was nearly an even decision, one-half thinking that \$100,000 should be demanded and the other believing that \$50,000 was sufficient. After a long discussion a compromise was effected and it was decided that \$75,000 should be the price asked.

"I was chosen to act as agent for this combine," said Murrell; "and I was also instructed to locate the man who was behind the measure. For several days I questioned everybody whom I met regarding this phase of the legislation, but without success."

The witness here went into detail concerning his efforts to locate the "angel" behind the lighting bill and stated that the most he could ascertain was the fact that Eastern capital, probably Philadelphia capital, had become interested in the new plan to illuminate the streets of St. Louis.

Finally, such was his narrative, when nothing definite could be ascertained concerning a treasure chest, the combine agreed to adopt that bludgeon-like method of legislation which has been referred to in a previous chapter, and so, on November 21, they voted against the bill and it was placed in a pigeon-hole. This ruse was successful, according to Murrell's story.

"One week later," he testified, "Delegate Charles

Gutke came into the meeting where we were discussing the measure, and showed us \$20,000 cash. He said that he had located the 'angel,' but that the boys would not get more than \$47,500. He had been given a part of this, he said, and the remainder would be paid as soon as the bill was passed. The members of the combine told Gutke to take the money back to whoever gave it to him and tell the person that I was the one with whom he must deal and that they would never think of listening to a proposition that only involved \$47,500.

"Several hours later Edward Butler called at my office and said: 'I have got the \$47,500 for the boys if they pass that lighting bill.'

"'But they want \$75,000,' I told him.

"'Tell them that they will get \$47,500 and not a cent more,' he answered.

"We exchanged several more words on the subject, and Butler urged me to do what I could towards bringing about an understanding. When leaving he said that he would attend a meeting of the house of delegates which was to be held that evening, and although I advised him not to do so, he promised that he would be on hand."

John Helms, another of the ex-delegates who had turned state's evidence, followed Murrell on the witness stand.

"I was present at the meeting of the combine on the afternoon of November 28," he testified. "Gutke came in and showed us a package of \$20,000, turning over the bills one by one so we could see the denominations. He said that he had found the 'angel' all right and that he was convinced that we could not make anything more out of the deal than the \$47,500. The discussion that followed was very long, and as a result of it Gutke was ordered to return the money to the person who gave it to him and say that \$75,000 was the lowest figure the combine would accept and that all negotiations must be carried on through John K. Murrell, the qualified agent of the combine.

"When Gutke left the meeting I followed him and



I saw him hand the \$20,000 package to Edward Butler."

"Did you see Edward Butler on the floor of the house of delegates that night?" Helms was asked.

"Yes, sir; he came and spoke to me on the floor of the house."

"'Here, Jack,' he said, 'do something for this bill now, won't you? The boys won't get more than \$47,500. Tell them this and see if you can't get them to pass the bill. They won't get any more and it is no use trying. I'll give the money to Charlie Kelly, or to whoever they may select to-night.'

"I told Butler that I did not care to mix in the affair, because it was John K. Murrell's job, and Murrell had been agreed upon by the combine to handle the deal. Then as Butler became insistent I said that I would do what I could, and so went about among the boys, telling them of the proposition which had been made to me.

"A few minutes later Bersch and Kelly went outside with Butler, and when they returned I called a meeting of the combine, at which it was decided to accept the offer. That done, we were ready to attend the regular meeting of the house of delegates, and at the proper moment Julius Lehmann made a motion to reconsider the lighting bill, which was adopted, the entire combine voting in the affirmative. Subsequently we passed the measure, and after the session had adjourned, Kelly, to whom Butler had said he would pay the money, started out of the city hall, accompanied by Bersch and Sheridan. Nobody was trusting anybody else in those days, so I followed the three of them, to see what they would do.

"Old man Butler walked to Tenth and Market streets, Bersch, Kelly and Sheridan close at his heels, then turning south, he went to his office, which is midway between Market street and Clark avenue. Kelly and Bersch followed him inside, but Sheridan remained without, near the street. Five minutes later Kelly and Bersch came out again, and being rejoined by Sheridan,

the three went to McTague's restaurant and then went to Carmody's saloon, to all of which places I followed them. After leaving Carmody's they called a carriage and told the driver to take them to the house of Julius Lehmann, in North St. Louis, and I followed them there.

"At Lehmann's house, Kelly, Bersch and I went into the middle room, where Kelly counted out the money—\$47,500 in paper. The others of the combine remained in the parlor until they were called out by name, one at a time, by Bersch, and as they entered the middle room Kelly paid each \$2,500, and I checked off their names as they got their money."

That there was such a gathering at the house of Julius Lehmann on this night has been the subject of comment in St. Louis newspapers, and it was frequently mentioned at the time the lighting bill was before the municipal assembly. Julius Lehmann, at whose house the delegates met on the evening the legislation was adopted, never denied the fact that such a gathering had taken place, but always insisted that his fellow-delegates were there celebrating an anniversary of his birth. Therefore, Julius Lehmann's birthday party has become historical in the annals of the St. Louis bribery investigation.

The evidence given by John K. Murrell and by John Helms was supported by the testimony of Edward E. Murrell, William Tamblyn, George Robertson and Otto Schumacher, all of whom testified concerning the adverse vote that had been taken by the house of delegates in order to "smoke out the angel," and to the subsequent proceedings which culminated in the division of \$47,500 at the house of Lehmann.

When the state's testimony was completed the defense filed a demurrer, alleging insufficient evidence, to which Judge Graves replied:

"It would be a travesty on justice for me to take this case from the jury."

The defense was an alibi. Edward Butler, Jr., swore that his father was not in the Tenth street office

on the night of November 28 of that year, he remembered well, because he had been busy there all evening checking up his books.

The defendant was placed on the stand and took oath that he had not been on the floor of the house of delegates on the evening mentioned, nor on any other evening during that month; nor was he in his office that night.

P. L. Laughlin, a deputy collector of city revenue, and William Divine, a foreman in the employ of Butler, testified that they were in the office with Edward Butler, Jr., on the night in question, and that Edward Butler, Sr., did not come inside. James H. Cronin, John P. Sweeney and John J. Burke, who were members of the house of delegates at the time of the lighting bill legislation, swore that they had not seen Edward Butler on the floor of the house on the night spoken of.

Then a step further went the defense, to prove that the indictment of Butler was a conspiracy on the part of William Tamblyn and others because Butler had permitted them to remain in jail and had not furnished bond for their release. This effort did not amount to much, only one witness of any moment taking the stand, and he, James J. McDermott, was so clearly prejudiced in his views as to cause little weight to be attached to his testimony.

During the arguments a remarkable plea was made by David M. Harris, the county prosecutor, who had remained with the Butler forces. "Why did not the state summon Charles F. Kelly as a witness to prove that Butler had paid him the money?" he asked. "Why, if Butler was guilty, did he not get all the defendants out on bail?"

It was, of course, impossible for the state to prove that Kelly could not be summoned as a witness because he had run away from St. Louis and had been absent until the statute of limitations prevented his evidence being of avail; and it was equally impossible for the state to prove that Mr. Butler had signed the bail bonds

for members of the house of delegates who had been incarcerated until the circuit judges of St. Louis had positively refused to accept any more such documents from him.

These facts, under the code of criminal law, could not be brought out by the state, and because they could not be they were used by Mr. Harris. The result was foreseen by all in court. From the start the vote in the jury room stood 11 to 1 for acquittal, and after being out twelve hours the remaining juror joined the others and Butler was declared free.

When questioned afterwards concerning the verdict a juror made this statement: "Had one man who was free from taint testified that Butler was on the floor of the house that night, the result would have been different, but we would not convict a dog on the evidence of those fellows who betrayed their associates."

## CHAPTER XXI

### FOLK AND THE GET-RICH-QUICKERS

THE get-rich-quick concerns that flourished in St. Louis during 1902 and the early part of 1903 can be considered as much the result of conditions which Mr. Folk was called upon to fight as were the municipal bribery cases. For several years it had been noised abroad that St. Louis was the "safest" town in the United States for persons who desired to launch illegitimate schemes; that in this metropolis of the Southwest one who tried to evade the law was more certain of being granted immunity than he would be in any other city.

Officials who disgraced St. Louis, such as the mayor who informed citizens when complaining about unlighted streets that they still had the moon left, and members of the assembly who would stoop to any form of selling their votes and of sanctioning any scheme for the Almighty Dollar, were responsible for this impression which was bruited from Atlantic to Pacific and from the Canadian line to the Gulf. Knowing that the municipal offices were tainted to the core with corruption, rogues and their allies naturally believed that similar conditions existed in the federal courts.

They would read, concerning the municipal assembly, a grand jury report which declared, "We have had before us many of those who have been, and most of those who now are members of the house of delegates. We found a number of these utterly illiterate and lacking in ordinary intelligence, unable to give a better reason for favoring or opposing a measure than a desire to act with the majority. In some no trace of mentality or morality could be found; in others a low order

of training appeared, united with base cunning, groveling instincts and sordid desires. Unqualified to respond to the ordinary requirements of life they are utterly incapable of comprehending the significance of an ordinance, and are incapacitated both by nature and training to be makers of laws. The choosing of such men to be legislators makes a travesty of justice, sets a premium on incompetency and utterly poisons the very sources of the law;" and having read this and other reports equally as damning, having perused newspaper articles which ridiculed and denounced men high in official life, and having themselves been successful in evading certain laws, is it any wonder that human buzzards flocked from all parts of the country to this mecca of iniquity?

The advent of the get-rich-quick schemers was synchronous with the era of the most extensive boodling in the municipal assembly, but the latter crime, owing to its implication of home office-holders, so completely over-shadowed the former that the rogues from abroad were permitted to apply their nefarious trade longer than did the aldermen.

When vigorous action was finally taken against these pirates, the initiative came from Joseph W. Folk, a fact not generally known, and Senator Ralph Burton, of Kansas, owes his conviction and disfranchisement to the discoveries made by the circuit attorney of St. Louis while pursuing his line of duty.

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Early in 1903 a prominent official of the Louisiana Purchase Exposition called into his office an experienced newspaper man who was not connected with any publication.

"R——," said he, "I have received a letter from the managing editor of the ———, asking me to recommend someone who can work on an important story. He wishes to expose the get-rich-quick concerns in St. Louis, something which the local newspapers have failed to do. The object is meritorious and it will be well for the city if these men can be driven out be-

fore the Fair. In addition, the \_\_\_\_\_ has done some excellent work for the Exposition and I am anxious to please them."

R\_\_\_\_\_ agreed to take the assignment and opened correspondence with the newspaper published in the far West. He received in reply to his letter a batch of advertising matter that had been sent from St. Louis. "Find out what these fellows are up to," read the instructions, "and expose their game."

This "literature," as the agencies termed it, bore the imprint of the National Securities Company, headquarters in the Equitable building, and stated that seventy-two per cent a year, in monthly instalments, would be paid on all money invested with them.

After familiarizing himself with the prospectus the reporter visited the headquarters of the company and was astonished at the magnificent display in the large suite tenanted by male and female clerks and stenographers. It is doubtful if any offices in the United States were ever more lavishly furnished than these and the quarters of similar concerns in St. Louis at that time. Imported rugs covered to within a foot or so of the wall the highly polished floors. The desks were of ebony finish; the portieres of silk; etageres supported pieces of cloisonne and jade ware, while walls and ceilings had been decorated by artists in oils.

Charles H. Brooks, "president" of the National Securities Company, was the first land pirate of this ungodly crew to be interviewed.

"Mr. Brooks," the reporter asked, "how is it possible for you to pay five per cent. a month for the use of money when men who have made finance a life study can only pay six to eight per cent. per annum?"

"Because I have discovered a way to beat the market. I never lose for my clients."

"Never?"

"No, sir; it is impossible."

"What do you speculate in?"

"Stocks. I prefer St. Paul or Manhattan, because they fluctuate more rapidly."



"But you must lose if the market goes against you."

"It never goes against me. I can place \$50,000 on Manhattan this afternoon and go to bed knowing that by my system I shall be richer in the morning, whether Manhattan goes up or down."

Tracing backwards the career of Charles Brooks R—— found that he had been associated with one Hugh Dennis, and that the two had been engaged as partners in a similar enterprise until they quarreled over some business affair and started out independently.

Going back still further the reporter learned that both Dennis and Brooks had been known as early as 1900 as men without any capital, whose only money came to them in weekly wage. Now he found Dennis living in a sumptuous suite at the Planters' Hotel and dashing through the streets in a \$3,000 automobile, while Brooks adorned his person with pearls of the first water and diamonds of many carat, and was noted for the wine suppers he gave in down-town restaurants.

It was puzzling to understand how Brooks and Dennis were making their profits, but a week's investigation showed that their clever advertising had established throughout the country an endless chain system and that investment money received from Tom Jones, living in South Dakota, was used to pay the high interest due Susan Smith, who lived in Southern Illinois, leaving of course a large balance, which went into the treasury.

In pursuing this investigation, the reporter found that both Brooks and Dennis were under suspicion of the federal officers and indeed had been arrested and then released on bail. But why was it that they were allowed to continue their swindling operations?

Had the newspaper man who was working on this story not been a St. Louisan, he might have suspected the integrity of Post Office Inspector Dice and Colonel Pat Dyer, United States District Attorney. But he had known these officials for years and could not believe them otherwise than honest. Still, why their hesitancy in taking action and why their silence when questioned

concerning those whom they knew to be rascals? After a few days the truth came out, no matter how, and R—— secured evidence that the crookedness existed in the national capital. Somebody high in office had placed the seal of his approval on the swindlers in St. Louis and had stayed the hand of those who would bring them to justice.

From the gilded camps of Brooks and Dennis the trail led to the offices of the E. J. Arnold Turf Investment Company. Here the "investor" was promised three and four and sometimes five per cent a week for his money and told that the enormous profits which enabled the company to pay such percentages were made by betting on horse races and investing in horse flesh. The adornments of the suite occupied by the E. J. Arnold Company were valued at \$50,000, exclusive of a Rosa Bonheur horse's head, which later fetched \$30,000 at auction. Fully seventy young women, all attired in black silk skirts and white silk waists—the uniform of the company—were engaged there as stenographers, to open letters and to fold and mail circulars. So large had the business of this concern grown that early in the year 1903 the Arnold company had on deposit, subject to check, in St. Louis banks alone, the sum of \$1,500,000, and on several days receipts by mail were \$30,000 per diem.

Equally prosperous was the turf concern of John J. Ryan, that had headquarters on Fourth street in rooms more palatial than even those occupied by a national bank, and so in equal degree were the apartments tenanted by the Harry Brolaski company.

As a result of the investigation R—— found that twenty-one of such investment companies had headquarters in St. Louis and that branch offices had been established all over the United States. The lowest rate of interest offered by any one of these was seventy-two per cent per annum and the highest two hundred and sixty.

While gathering the many links that would make a complete chain of evidence against the get-rich-quick

swindlers, R—— was frequently in conversation with the working newspaper men of St. Louis, and of them he asked, "Why are not these fakirs exposed? Why don't you throw the light of publicity upon them?"

The answer of one managing editor is typical of all. He said: "I know that Brooks, Dennis, Arnold and the others are hatching perhaps the greatest swindles ever concocted in the United States. I have had reporters investigate them fully. I know that although they are paying these ridiculous interest sums to-day, they may not do so tomorrow and that if they are not stopped they will pocket millions of dollars and leave the city. I know this and have known it for some time. Moreover, I have tried to have the facts published, but have been prevented by the business manager, who says these get-rich-quick concerns are paying more for their advertising space than is paid by any three of the big department stores."

Inspector Dice and Colonel Dyer were authority at this time for the statement that between \$2,000,000 and \$5,000,000 were being diverted every six months from legitimate channels of trade. Of course only a moiety of these enormous amounts were placed to the credit of Brooks, Arnold, *et al.*, for their expenses were in ratio to their income, and besides they distributed largess with lavish hands.

It is a matter of record that Lumpkin A. Gill, manager for the E. J. Arnold company, one night threw down a twenty-dollar gold piece on the bar in Mc-Tague's restaurant in payment for a drink of whiskey and when the bartender pushed over a number of bills and silver coin Mr. Gill motioned them away from him, saying, "Keep the change."

This same Gill pushed a hundred-dollar note into an elevator boy's Christmas box.

John J. Ryan frequently amused himself in restaurants by handing out a \$5,000 greenback to waiters, in payment for his check, and he always laughed long and heartily at their confusion upon examining the paper that to them was unique. One evening he spread five

of these government notes on a table and called all the garçons to his side, that they might witness the unusual sight.

And then, as he remarked, "to let them down easy," he made each a present of a \$10 bill.

A woman employed by one of these concerns picked up a package of money and during the luncheon hour deposited it in a bank in her own name. The amount was \$18,000. When the loss was discovered the manager of the investment company ordered her to return the funds. She refused and he threatened her with arrest. "You don't dare," she answered. "Arrest me and the public will know what kind of a business you run." She was not arrested, not even discharged, for they feared her tongue.

It became a flood of money, and clerks, both male and female, thought nothing of helping themselves from letters that were stuffed with greenbacks and which were literally carted into the offices each day. Girls who had worn cloth jackets when they accepted employment bought sealskins and coats of Persian lamb, while diamonds and pearls appeared at throats and on fingers.

Mr. Folk's first information concerning the methods employed by get-rich-quick men came from a newspaper reporter, even as the initial knowledge in the bribery deal was obtained through the medium of a writer for the press. He had, of course, read an opinion handed down by Judge Adams who, in discharging Hugh Dennis, said, that although the federal law could not reach these men, yet the state authorities might act; but at the time this was rendered, the circuit attorney's hands were so tied with the affairs of the boodle trials that he could not well take up burdens which on the face seemed to belong to officials of the national government.

But when Reporter R—— went into details concerning Brooks, Arnold and the others, Mr. Folk's interest at once became awakened and he appointed an additional assistant circuit attorney for the purpose of securing evidence against the swindlers and preparing the cases for trial.

A few days' investigation proved that they had some of the most clever people in the United States to deal with, and that it would be difficult to bring any of them within the pale of the law. The schemers had secured eminent legal advice before opening quarters, and knew just how far they could go without stepping over the boundary between a petty offense and one that would be classed as a felony. The careful wording of the advertisements which they placed in newspapers, and the circulars which were sent broadcast through the country, showed that the hand that penned them had been guided by men versed in every trick of criminal law.

In his conversations with the reporter, Mr. Folk frequently expressed wonder that the federal officials had not put an end to these schemes by using the weapon which in postal parlance is known as the fraud order and which permits the postmaster general to seize mail going to any person or firm, if in his judgment the letters may contain anything that is illegal.

"It would be such a simple way to wind up this concern," said he one day. "So long as the officials at Washington do not take such action, I can't see exactly what this office can do, but the moment I find myself in a position to make a case, we shall act."

While the investigations were going forward, the Western newspaper continued its verbal bombardment of the get-rich-quickers, and the effect was not long in being apparent. Letters of inquiry were received by the swindlers, and they were soon followed by requests for the return of money that had been invested. For several weeks Brooks, Dennis, Ryan and Arnold tried to stem the tide. They promptly sent back investors' money when it was demanded, and with the checks wrote letters that they believed would allay the fear. At the same time they increased the size of their advertisements and doubled the force of their personal agents, especially in the territory affected, which was the far West. One man, whose ancestors had been of service to the nation, and who is known as being foremost in that set termed "society," was hurried to Denver,

where he mingled with the best class of people and by denouncing the attacks that had been made on those whom he termed the "new financiers," endeavored to restore credit and confidence.

But it was of no avail. The alarm had spread and the end of the get-rich-quick games in St. Louis came one afternoon in March, 1903, when a patrol wagon drove up to the Equitable building and the police placed under arrest every person found in the offices of the National Securities Company and seized all the books and papers of the concern.

That day the firm of E. J. Arnold & Company failed; that is, the swindlers who were at the head of the organization refused longer to pay back money to investors, claiming that they had none left. At the time of the crash, Arnold was safely away, in Hot Springs, and Lumpkin A. Gill, the manager, soon found it convenient to leave town. John Ryan also left the soil of Missouri, and others fled by night to distant states, so that the only one caught and taken to the Four Courts was the president of the National Securities Company, Charles A. Brooks. He was able to furnish bail—that was one of the emergencies for which they had all prepared, it being part of the business to have a bondsman, fully indemnified, ready at any time to sign such papers as the court might insist upon. So Brooks gave security for his appearance for trial, then he also left the state, never, willingly, to return.

The capture of Brooks, however, was nothing compared with the capture of certain papers that were found in his safe. When Mr. Folk examined these he saw that he held in his possession most damning evidence against government officials in Washington, and in the center of a ring that had been formed to shield the swindlers there appeared the name of a member of the United State Senate.

It was in this manner that facts first came to light concerning the scandals in the postoffice department, which subsequently became the talk of the country.

All the evidence was given by the circuit attorney



into the hands of the federal officials in St. Louis, and by them it was forwarded to Washington. The result, which was the removal from office of several men high in rank in the postal service and the indictment of others equally high, has been told in every newspaper in the United States.

But, startling as were these documents implicating the postal officials, they became commonplace when compared with a canceled check and a receipt which proved that Ralph Burton, Senator from Kansas, had been the go-between in deals made by the St. Louis swindlers, had shielded them and had debauched his high office for a paltry few thousand dollars. In course of time it came to light that at Senator Burton's instigation officials in Washington had not only winked at the doings of Dennis, Brooks and the others, but had aided them in openly violating the statutes!

Although attention was immediately given to the material which had been found by the circuit attorney, it was several months before affairs in the Federal building at St. Louis could be so arranged that action against the fraudulent concerns could once more be prosecuted; and when finally the task was undertaken the first result was the indictment of the Kansas senator.

Mr. Burton answered the charge by leaving the capital and coming to St. Louis, where he gave bond for trial. His case was heard before Judge Adams in April, 1904, one year after the collapse of the get-rich-quick men. The proof that he had received money from Hugh Dennis and others, for the purpose of influencing legislation and executive action, was indisputable and the result was his conviction on six or seven counts. Then, for the first time in the history of the United States, a senator was called before the bar and sentenced for a crime, the penalty embracing both imprisonment and a heavy fine, and what was the most bitter sting of all, the conviction prevents him from again holding office.

The major portion of the facts against the senator came from documents which Hugh A. Dennis had in-



trusted to the safe-keeping of Brooks and also the testimony given by Dennis' former employes. That he had been instrumental in Burton's downfall evidently preyed upon the mind of Dennis, and he was also worried by a ruling made in the case by Judge Adams which would again bring him within the pale of the law. So this most gentlemanly and best bred of the get-rich-quickers withdrew almost wholly from the society of others and remained closeted in his apartments at a West End hotel. There he died within a few weeks after the senator's conviction, and a post mortem showed the cause of death to be alcoholism from the excessive use of champagne.

Only a week before the opening of the Louisiana Purchase Exposition, Charles A. Brooks was arrested in Los Angeles, Cal., but as he was again ready with someone to go on his bail he once more escaped the meshes of the law.

As for Arnold and Gill, they seem to have dropped completely out of sight. Ryan is heard of occasionally making a book at a race track or plunging heavily in the books of others. The smaller fry of the get-rich-quickers have disappeared from public view.

## CHAPTER XXII

### BRIBERY IN THE LEGISLATURE

FOR years "all the world" had known, in a general way, that money had frequently been used to secure the passage of bills through the Missouri legislature, but it remained for Joseph W. Folk to bring home to the people in a forceful manner indisputable evidence of the corruption at Jefferson City, the capital. In this, as in other engagements during the battle against bribery, he received great assistance from a newspaper man (the author refers to J. J. McAuliffe of the Post-Dispatch), and here it should again be stated that however much it may be necessary to censure the methods of the business offices in the large dailies of St. Louis, one cannot sing too loudly in praise of the working reporters, who, though paid small weekly wages, have ever been in the front, assisting the circuit attorney in his fight against corruption.

But to revert to the story. It had been common talk that the original projectors of the system now known as the St. Louis Transit Company had secured legislative sanction after the expenditure of \$250,000 in bribe money; that for a score of years various measures had been "put through" by railroads by the same process of soothing itching palms; that black clouds of scandal hung over several legislative acts concerning the adoption of certain standard school books, and that other queer things had furnished food for comment while the different law-making bodies were in session.

In 1899 there was passed through the legislature in a very unostentatious manner, a measure which prohibited the use of alum in the manufacture of food products. The sponsors of this bill stated at the time that

it was in the nature of pure food legislation, and as the name sounded well, especially to those who had constituents in the country, it was allowed to pass unchallenged.

Few people in St. Louis had knowledge that such a measure had been placed on the statute books; certainly the attention of merchants had not been called to it, and twenty of these were greatly surprised one morning by being placed under arrest and sent to jail.

"Why is this?" they asked in consternation; and were told, "Because you are selling baking powder in which alum is a component part."

"We did not know it was illegal," they said, and at once sent for attorneys, who were as mystified as their clients, until an examination of the latest edition of the revised statutes revealed, tucked away in an appendix, the pure food bill alluded to.

The merchants were tried, convicted and sentenced to pay fines, which they did; and they received warning that a second offense would result in imprisonment.

Another consultation with attorneys followed and the lawyers said they must purchase baking powder in which alum was not a component part. An examination of the market showed that the only goods coming under this head were manufactured by the baking powder trust, which embraced the Price, Royal and Cleveland companies, who use cream of tartar as a leavening powder in their productions.

That is how this trust first scored in Missouri.

Every housewife will remember that immediately after this law went into effect, or about the year 1900, a campaign of education was started throughout the country by the baking powder trust, and people were warned that alum in food was a deadly poison. This was the second method of warfare waged by the combine, which at the same time was making use of other legislatures in an effort to kill the independent companies.

The latter did the best they could in the face of great odds, and procured many a chemist's certificate showing

that their product was as pure and perhaps even purer than that put on the market by the trust, but the capital at the command of the combine was too great for them, and they were slowly and surely being driven from the market. In desperation, they attempted to secure the repeal of the pure food legislation, especially in Missouri, from the soil of which state three of the alum baking powder factories had been driven.

It was at this time—in the summer of 1900—that John A. Lee appeared upon the scene. Mr. Lee had occupied a very prominent position in the St. Louis world, both commercially and politically. As president of the Travelers' Protective Association, he had made hosts of friends throughout the United States, and as editor and proprietor of the *Interstate Grocer*, a weekly trade journal, his personality had become known in many quarters where his warm handclasp could not be felt. Those who met Mr. Lee were convinced that his broad, high forehead bespoke a man who would have a brilliant future, and his fellow citizens pointed to his commanding figure with considerable pride when he passed along the streets.

It had come about very naturally that Mr. Lee's name should be mentioned in connection with the candidacy for lieutenant-governor of Missouri on the democratic ticket, and his nomination at the convention in the spring of 1900 followed as a matter of course.

A few weeks after this occurrence, Mr. Lee visited New York City and called upon Daniel J. Kelley, editor of the *American Queen*, a mail-order medium which circulated principally in rural districts, and which, it has since developed, was merely an organ of the baking powder people.

Although it is not a matter of record that Kelley and Lee had met prior to this date, yet it is evident that they had been in correspondence, for the *Interstate Grocer* had received many advertising favors from the Royal Baking Powder company, and had been loud in its denunciation of the evils of alum.

No man could have been more welcome to legislative

agent Kelley at this time than was Mr. Lee, for the trust magnates had heard about the proposition to repeal the pure food bill in Missouri, and they were casting around for assistance in defeating the independent companies. So the grasp was very cordial when Lee said: "You know, Kelley, that there is not the slightest doubt but that I will be elected lieutenant-governor. Everybody is for me, but it costs money to run a campaign, and I thought possibly you would like to help me out."

"Why," Kelley at once replied, "certainly, old man. How much do you want?"

"I think about \$500 will do for a starter," said Lee.

"Very well," acquiesced the baking powder man, and he proceeded to make out a check, not for \$500, but for \$750, which caused Lee to become convinced that he could draw on the baking powder people even as he could on a bank.

After this the Interstate Grocer became more vigorous than ever in its attacks upon the persons who put alum in baking powder, and during his campaign, Mr. Lee frequently referred to the "vipers who would poison people for the sake of a few paltry pennies."

Nevertheless, the independent companies were making headway in their movement for the repeal of the law, and when Daniel Kelley visited St. Louis in the fall he expressed alarm lest they should succeed in their efforts.

"You had better recommend to me a strong lawyer who will have influence at Jefferson City," said he in the course of a discussion on the ways and means necessary to successfully oppose the independents.

Lee thought for a few minutes, then sent the representative of the trust to William J. Stone, former governor of Missouri, who at that particular time was a statesman out of a job, and who since then has become junior United States senator from Missouri.

Mr. Kelley explained to Governor Stone that there was a grand organization in New York called the National Health Association, of which he was president.

It was purely philanthropical and was waging a fierce war against those nefarious corporations that persisted in injecting alum into baking powder. In the cause of humanity, he, Kelley, was very anxious to have a similar organization formed in the state of Missouri, and would not Mr. Stone appear as the head of the branch?

“Of course,” added Kelley, “there will be a consideration; in fact, a nice consideration, if you will accept the position. There are some wealthy New York members of the organization. They are at the head of a baking powder company, that looks after the welfare of people’s stomachs by using in their product cream of tartar as a leavening powder instead of alum, and these men will gladly pay a handsome salary to a brother worker in the state of Missouri.”

The ex-governor promptly accepted the call to do good, and asked Kelley to outline his duties as president of the new society.

The reply was that the ex-governor should do all in his power to prevent the repeal of the measure known as the pure food law, that he should preach the doctrine of anti-alum wherever he went, and that he should aid John A. Lee in becoming lieutenant-governor.

When everything had been satisfactorily arranged, Mr. Kelley returned to New York, delighted with the manner in which affairs were shaping.

No less delighted was Mr. Lee, who found himself receiving the support of that master politician, William Joel Stone, a support that caused him to lead his ticket in the fall election, when he received 2,000 more votes than did Dockery, the gubernatorial nominee.

The following winter was the brightest in the life of this man, who was clapped on the shoulder and called Missouri’s favorite son, who confided to his friends that his next step would be into the governor’s chair, and who had day dreams of a triumphal march eastward, to the nation’s capital.

The lieutenant-governor’s only worry was the persistency with which the independent baking powder com-

panies urged the repeal of the pure food law. Still he was in a position to obstruct their maneuvers, and when a measure looking to the rescindment of this act was introduced in the senate, Mr. Lee, as speaker of that body, referred the bill to the committee on criminal jurisprudence, the members of which he had carefully selected, and who were men that would do his bidding in an emergency.

And an emergency had arisen, for the house had approved the repeal of the measure by a large vote.

When days, then weeks, passed without a report being made by this senate committee there was heard a clamor, and ugly charges to the effect that undue influence had been used.

No one dared connect John A. Lee's name with anything dishonorable, but they censured the members of the committee. Finally the lieutenant-governor was asked if he could not bring pressure to bear, to the end that a report might be forthcoming. His reply was that the alum people were a lot of cheap men who did not deserve any consideration.

Senator James Orchard of Howell county, chairman of the jurisprudence committee, was questioned concerning the delay.

"Why," said he, laughing, "I simply cannot get my committee together to act on that alum bill. I have called several meetings, but the boys pay no attention."

Other members of the committee treated the affair with similar levity, and the days dragged on until the close of the session, when Representative William P. Lightholder of St. Louis rose to his feet and in indignant tones declared that if he had \$2,500 he could get that senate committee to act on the alum bill. This charge was received in various ways by members of both houses, some taking it seriously and others expressing ridicule. Speaker Whitecotton made jest of the statement and Lieutenant-Governor Lee said it was not worthy of consideration.

The senate adjourned without any action being reported by the criminal jurisprudence committee, but



three days afterwards advertisements were inserted in the daily newspapers of St. Louis which purported to be the report of the committee as adverse to the repeal legislation, and which bore the signature of John A. Lee and other members of the committee.

Those who criticised the lieutenant-governor at this time remarked that in addition to his peculiar tactics concerning the pure food legislation, he had been very familiar with two famous lobbyists, Col. William H. Phelps and Col. John H. Carroll, railroad representatives, who for many years had conducted affairs at the state capital about as they desired.

There were persons in St. Louis who had hoped that Mr. Lee might not fall under the influence of these gentlemen, and when he did and appointed committees that were of their naming, St. Louisans shook their heads and said: "Perhaps Lee is not going to be such a great man after all."

Still there was no popular clamor against the lieutenant-governor, and his record was considered pretty clean when he returned to his native city after the adjournment of the legislature and began to question his friends as to how he should best walk in order to reach the more exalted office of governor of Missouri.

## CHAPTER XXIII

### RISE AND FALL OF JOHN A. LEE

**D**URING the autumn of 1902, John A. Lee announced to a number of his friends that he would be a candidate for governor before the democratic convention of 1904, and would use as a campaign cry, "Reform in the Legislature."

Those who had known him intimately and were acquainted with the part he had played in the baking powder legislation winked at this. "It's a good card," they would say, "and will go with the masses," but that Lee was in earnest they could not for a moment believe. He was too deep in the mire to pull out, they argued, and so for a time, little or no attention was given the grandiloquent phrasings.

In those days when he tried to be good and wanted to turn over a new leaf—the days immediately prior to the session of the forty-second general assembly—Lee sent for a representative of the independent baking powder companies. He was sorry that he had ever been in opposition to them, he said, and he regretted the part he had taken in pure food legislation. Then growing more confidential he continued:

"My great ambition is to be governor of Missouri, and I know that you have the power to defeat or aid me. If you will do the latter I will reciprocate by aiding in the repeal of the pure food law. In fact I'll let you name the senate committee on eleemosynary institutions and public health, to which I shall refer the repeal bill."

Nor were these promises deemed a sufficient exhibition of good will by Mr. Lee in his effort to gain the favor of the alum interests. During that conversation,

which took place in the lieutenant-governor's office in the Century building, he expressed a desire to give "inside" information concerning the attitude of members of the senate. And when the representative of the manufacturers said that such information was always welcome, Lee drew a memorandum book from his pocket and remarked while turning the pages:

"I've kept pretty close tab on those fellows and for my own convenience have divided them into three classes—the sheep, the goats, and the doubtful ones. The sheep are pure, honest men, who can't be touched; the goats are out for all there is in it and the other fellows I haven't got a line on."

Then the lieutenant-governor of Missouri read a list of the senators of Missouri, saying after each, "He's a goat," "He's a sheep," or "He's doubtful," and when he had finished the novel roll call took this form:

SHEEP.	GOATS.	DOUBTFUL.
Rubey	Morton	McKinley
Fields	Farris	Kinealy
Briggs	Costello	McIndoe
J. T. Bradley	Collins	Heather
Nic. Bradley	Schoenlaub	Voorhees
Martin	Sullivan	McDavid.
McNatt	Smith	
Marshall	Zevely	
Young	Mathews	
Clark	Walker	
Dowell	Geo. T. Lee	
Stubbs.	Sartoris	
	Jewell	
	Buchanan.	
	Nelson	

Two men announced their candidacy for speaker *pro tem* of the senate in the forty-second general assembly—Thomas L. Rubey, a banker of La Plata, and Frank Farris, of Crawford county. It will be noticed in the foregoing list that Rubey is classed as a "sheep" and

Farris as a "goat." So Lee, true to his new principles, endorsed the former in the following open letter:

"My ambition this coming session is to free the senate of reproach and opprobrium in so far as possible, and I want all of the democratic senators to help me. Because I am opposed to the servility of lobby influences I am for Thomas L. Rubey for speaker *pro tem*. My position may be regarded as undignified and indelicate and may bring me abuse and enmity from those whom I do not advocate, but I think that the welfare of the democratic party is at stake at this time and my party and its success are more important to me than personal friendships."

Senator Frank Farris alternately fumed with rage and doubled up with laughter after reading this declaration. Was Lee playing a practical joke, or had he gone crazy? he asked; then he dismissed the subject by declaring that the letter "smacked of the alum taste."

"What does that mean?" was the inquiry from all over the state.

"Never mind," replied Farris. "You'll find out in time. I'll add, however, that if I have to go to the penitentiary I'll take respectable company with me."

It was at this stage of the proceedings that Reporter McAuliffe secured evidence implicating both Lee and Farris in several shady transactions.

"As staff correspondent at Jefferson City during two sessions of the legislature I had been closely associated with these men," said McAuliffe recently, "and for a long time had believed Lee to be guilty of accepting bribes. It was difficult to fix anything definite, for Lee's attitude, 'I am too holy ever to do wrong,' blinded nearly everybody. Farris was different. He would say, 'I know that I am not a saint, but there are others just as black. I earn \$5 a day as a lawmaker, and I am not a statesman for the benefit of my health.'"

It was by playing these two men one against the other that McAuliffe learned much concerning the true situation, and on December 31, 1902, just four days before the forty-second general assembly convened, he

visited Circuit Attorney Folk and told him that John A. Lee had acted as custodian of a boodle fund, which the baking powder trust had furnished, and distributed the money among members of the legislature on February 28, 1901.

Mr. Folk expressed astonishment at this. "I have always regarded John A. Lee as honest and conscientious," he said. "It seems, though, that when it comes to boodling there are not so many honest men as we might hope to have."

Then he asked McAuliffe where the money was distributed.

"Either at the Laclede Hotel in St. Louis or at the saloon of George La Dees in Cedar City, just across the river from the state capital," was the reply.

The question of boodling in the legislature was then discussed generally and McAuliffe told of the methods employed to pass the street railway bill when \$250,000 was divided among the lawmakers.

"If I were positive that these offences were committed in St. Louis," said Mr. Folk, "I would have the state senators intercepted while passing through here January 2 and 3, on their way to Jefferson City, and take them before the grand jury."

McAuliffe left for the capital that evening, hoping to verify the information he had obtained. He learned that although certain of the legislators visited Cedar City occasionally none of them was at La Dees' saloon between March 15 and March 21, 1901, and he also learned that immediately after the close of the 1901 session a number of them went to St. Louis and registered at the Laclede.

Mr. Folk reached Jefferson City the morning of January 3 and McAuliffe told him that the "slush fund" had probably been distributed in St. Louis. But it was then too late for the service of subpoenas, as the general assembly would convene on the morrow, and the lawmakers were beyond jurisdiction of the St. Louis courts.

During the winter the circuit attorney made several

visits to Jefferson City, and while there and also in St. Louis, he carried on a quiet investigation of the boodle methods that had prevailed in the general assembly. He found a condition of affairs that was appalling, in that the ramifications of bribery extended in every direction from the state capital. The carrying forward of the crime had become a regular business and there were hundreds of men who did nothing the entire year but act as go-betweens in the perversion of legislation.

Readers will remember that several years ago there was a warfare at Hot Springs, Arkansas, against the "runners"—men who met trains and solicited invalids to patronize certain physicians. Well, Mr. Folk found similar conditions at Jefferson City, only that the "runners" were on the lookout for men who wished to buy votes and their employers were attorneys whose sole practice was the handling of legislation on a basis of bribery.

These human cormorants were always in evidence at the Madison House and the railway station. Spying a person whom they believed to be interested in a measure before the assembly, one of them would enter into conversation, invite him to have a drink and become hail-fellow-well-met. At the opportune time Mr. Runner would impart the information that he knew a lawyer who had great influence with a certain senator or member of the house and that whatever measure he should propose would be pretty sure to become a law. "How can that man be reached?" would be the natural query. "O, in a perfectly legal manner," would come the reply. "You pay the attorney a fee and he will attend to everything."

The bargain having been made, the bribe money would be divided by the lawyer—one-third to the "statesman," a third to the runner and the remainder he would retain.

Although evidence of bribery at Jefferson City was plentiful, yet the greater portion of available testimony bore on measures that had been passed at such dates

that the statute of limitations ran against the punishment of the participants. Mr. Folk learned the details of how the \$250,000 was expended in the interest of the Central Traction Company, and he jotted down more names in his mental note book, to be kept against the time when as an official in another office he might be able to avenge the state by punishing these betrayers.

The closer he investigated the more apparent it became that the alum deal was the one which would bring forth immediate fruit in the way of giving ground for prosecutions and with this in view he held frequent consultations with Attorney-General Crow.

It was remarked by those who had knowledge of the secret investigations then under way that several newspapers in the state would not print anything that could be construed as antagonistic to the baking powder trust. A hunt for the reason brought to light a second corruption fund, used for the suppression of news and carefully disguised as "payment for advertising contracts." But this reticence on the part of the purchased press could not be long sustained, and the making of the alum scandal a news matter of such magnitude that it could not be ignored was brought about by William Joel Stone.

In effort to eliminate as many boodlers from the legislature as possible the independent baking powder companies had sent a number of trained salesmen over the state in the fall of 1902. They did not go as canvassers, but as agents, to spread the truth concerning bribery methods at the capital, and through their instrumentality over five thousand merchants signed their names to a pledge to vote for no candidate who would not promise to aid in the repeal of the obnoxious "pure food law." One of these lists, signed by 150 merchants of Springfield, was handed to Mr. Stone, and he was asked to give it the weight of his name. After glancing at the document, the senator gave vent to a tirade of abuse, calling the alum people everything from the seven sisters to the heavenly twins.

"But," protested the man who had presented the



paper, "it is not the alum people who are signing this; the names are those of the leading merchants of Springfield."

"I don't give a damn for the leading merchants of Springfield," was the wrathful rejoinder.

This occurrence was made public in a long article which appeared the next day in the Springfield Republican. The senator endeavored to answer in the Leader-Democrat and entered into a discussion of the virtues of a baking powder that had cream of tartar as a component part as against the evils of a powder that had alum as an ingredient. The effort proved ludicrous—for the trust chemist was far away that day and had not been able to edit the statesman's copy—and the articles caused so much comment that the newspapers were compelled to give the subject publicity.

So the winter of 1903-04 passed, and while the probe was working in the bribe-sore, other iniquitous deeds were going on record; to instance, the school book legislation.

In March, Justice made her first attack upon Fort Boodle at the state capital. Circuit Judge James Hazell called a special session of the Cole county grand jury, to convene on March 23, the day set by the legislature for adjournment.

Among the witnesses who appeared was John A. Lee. He walked into the chamber defiantly and after being sworn, said: "Gentlemen, I do not know of a dollar ever having been used to corrupt legislation. I know nothing at all about these so-called boodle rumors."

Then he as defiantly walked out, but in the ante-room he hesitated a moment, and his voice faltered as he said to Attorney-General Crow, seated there: "Do you think the jury will believe me?" Mr. Crow made no reply; he turned on his heel and walked away.

Other statesmen were called before the inquisitors and one and all answered as Lee had done; the situation was the same as that in the St. Louis Suburban case, when Charles H. Turner, Philip Stock and members of the municipal assembly denied all knowledge of the money that had been placed in escrow.

It began to look as though the Cole county investigation would prove a flash in the pan, and the guilty legislators were breathing easier, when Mr. Folk came to the rescue of the state's officers by suggesting that they call Mr. McAuliffe as a witness.

On April 4, as a result of this suggestion, a subpoena was issued for the reporter, and the next morning the St. Louis Globe-Democrat published the following as a special dispatch from Jefferson City:

"A St. Louis newspaper man who represented his paper here during the legislature will be called before the grand jury to give evidence which, it is believed will result in startling disclosures. The tip received by the authorities that something might be learned from this newspaper man was furnished by Circuit Attorney Joseph W. Folk, of St. Louis."

Twenty-four hours later the Globe-Democrat published another message from the state capital, reading: "It is absolutely certain that there will be indictments for perjury if not for bribery against certain members of the legislature. The telegram in this morning's Globe-Democrat that startling disclosures would result from to-day's testimony will be borne out."

Lieutenant-Governor John A. Lee arrived in Jefferson City on the morning of April 6, in response to a request that he deliver the principal address at a rally of the local democracy. At the Madison House he was accosted by a deputy sheriff.

"The attorney-general would like to see you in his office, governor," said the officer, "and he wishes you to go there at once."

At sundown the chairman of the democratic rally received this message: "Am sick. Can't be with you tonight. John A. Lee."

And he was sick, mentally, almost unto death, for during the afternoon Attorney-General Crow, armed with the information given before the grand jury by J. J. McAuliffe, had forced from him a complete confession of the alum scandal that involved six members of the criminal jurisprudence committee and Daniel J. Kelley, editor of the American Queen.

Over his own signature Lee had told that at the instance of Kelley he had acted as the distributor of bribe money in the interest of the baking powder trust. In effort to throttle the repeal of the pure food law in committee, he had paid Senator Buel Mathews, of St. Louis, \$1,000; Senator Charles A. Smith, of St. Louis, \$1,000; and had given \$5,000 to Senator Frank Farris, of Crawford county. Of this amount Mr. Farris was to retain \$1,000 and distribute the remainder in \$1,000 lots among Senator John F. Morton, of Ray county; Senator W. S. Hayes, of St. Joseph; Senator James Orchard, of Howell county, and Senator Frank P. Costello, of Maysville.

Tears came to Lee's eyes as he made his confession; he lost his manhood then and there and figuratively crawled at the feet of the attorney-general.

"I tried to be good," he whined. "I was anxious to live down the past and run for governor on an honorable platform, but they would not let me. I had turned over a new leaf and had firmly resolved never to participate in anything crooked again. But that tempter, Kelley, would not let me alone."

"How it that?" inquired the attorney-general.

"By sending me this," replied Lee, and he exhibited a check for \$1,000, dated March 30, 1903, signed by Daniel J. Kelley, and made payable to Robert E. Lee, the lieutenant-governor's brother.

"I couldn't accept it," moaned Lee, "and now I turn it over to you."

"That is all for today," said Attorney-General Crow. "But I want you to appear before the grand jury tomorrow."

Immediately Lee left the room, the attorney-general telegraphed the New York police, asking that Daniel J. Kelley be arrested for the crime of bribery. The authorities of the metropolis acted, but a judge before whom the trust representative was taken looked upon the affair with lenience and released the editor upon his own recognizance, naming April 8 as the day for a preliminary hearing.

Free once more, Kelley sought his lawyer, to have him defend him at the trial, to be present at which officers were hurrying from Missouri.

"Tell me everything," said the attorney, Clarence Shearn.

Kelley did so.

"Now, do you want my best advice?" asked the lawyer.

"I certainly do," replied the man who had bought the Missouri legislature.

"Then charter an engine and start for Canada at once."

That the suggestion was adopted became evident on the morning of April 8, when Daniel J. Kelley failed to appear in the New York police court; and then the magistrate learned what a champion of boodlers he had become.

In the meanwhile John A. Lee had appeared before the Cole county grand jury and had repeated the confession made to the attorney-general. As he left the room a summons was served on him to appear before the St. Louis inquisitors, as Mr. Folk was anxious to learn how much of the bribery had been done in the metropolis.

But instead of journeying there, Lee jumped aboard the first train west and disappeared as completely as if the earth had swallowed him.

## CHAPTER XXIV

### LEE'S ATTEMPT TO BLACKMAIL

SENATORS Frank H. Farris, of Crawford county; Buel Matthews, of St. Louis county, and Charles A. Smith, of St. Louis city, were indicted by the Cole county grand jury as the result of John A. Lee's testimony. Each was accused of accepting \$1,000 for his vote against the repeal of the pure food, or anti-alum, law.

Had Lee told all that he knew many other persons would doubtless have been indicted, but the lieutenant-governor acted like most bad boys who try to reform and like most men who are confessing to a schedule of their liabilities, and only told a part of the story. It is evident that he deeply regretted bringing Daniel J. Kelley's name into it at all and the moment he left Attorney-General Crow he did all he could to save his erstwhile friend, by sending him this telegram:

"Think brief recreative trip on account of your health is advisable. J. A. L."

The avoidance of the St. Louis grand jury by the lieutenant-governor and his flight from Jefferson City were in accord with a plan which he had formed to draw blood money from persons whom he believed he held within his power and John A. Lee, the fugitive, became John A. Lee, the blackmailer. Arriving in Kansas City on the morning of April 17, 1903, he sent word to Colonel William H. Phelps, saying that he wished an interview on an important business matter.\*

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\*For many years Col. William H. Phelps guarded the interests of the Missouri Pacific Railroad at Jefferson City, and similar service has been rendered the Burlington Railway and the Bell Telephone Company by John H. Carroll.

The colonel declined to be present at any such conference, but following the tactics of the late Matthew Stanley Quay, he "sent a man;" to whom the lieutenant-governor gave this message: "I will stay away from Missouri if you and Carroll will treat me right. But I MUST have money and the amount must be sufficient to keep me from need for all time."

Back came an answer, to the effect that Kansas City was a poor place in which to carry on such negotiations but if Lee would go to Chicago some arrangement might be made by which the state of Missouri would be rid of his presence forever.

Therefore to the city by the lake journeyed the lieutenant-governor, arriving the night of April 18 at the home of his sister-in-law, where he remained incognito, never leaving the house except to visit the Auditorium Hotel, where John H. Carroll had registered.

Who Carroll represented at the conferences that were of daily occurrence can only be surmised, but it is probable that he was spokesman for Senators Farris, Mathews and others who were in danger of visiting the penitentiary. It is probable that some of the persons directly interested also visited Chicago, but no record of their having done so is inscribed on hotel registers. However that may be, a proposition was made Lee that he would be paid \$1,000 a month for a period of two years if he would keep out of Missouri that length

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Newspapers have frequently criticised these two gentlemen and have blamed them for exercising a pernicious influence over legislators. On the other hand, Messrs. Phelps and Carroll say that it has been a continuous fight to retain for the railroads the rights that have been granted them, and that at every session of the legislature "sand-bagging" measures have been introduced in order to compel the giving of free transportation and the granting of other favors. It is certain that both Phelps and Carroll have profound contempt for the majority of men who have served in the Missouri general assembly, and regard them as tools to be worked by persons who gain control. Lieutenant Governor Lee evidently thought he possessed damaging evidence against these expert lobbyists, but in justice to them the author must state that nothing of court record has been adduced to incriminate them in any way.

of time—(In two years the statute of limitations would run against any prosecution for the crime of bribery). Lee ridiculed the proposal and pointed to the manner in which John K. Murrell had been treated in Mexico. He wanted \$100,000 cash down, he said, and in consideration for this sum would go away and vex them no more.

Matters were in this undecided state when Senator Farris received a letter postmarked Montreal, and which proved to be from Daniel J. Kelley, who had safely passed the boundary. Its tenor was that they should not worry too much about what Lee had confessed, "for," wrote Kelley, "I have kept a lot of his letters and if they don't discredit his character and break down any prosecution which depends upon his say-so, then I'm a false prophet."

This communication afforded Farris much delight and he at once caused word to reach his friends in Chicago that they might as well quit negotiating with the runaway lieutenant-governor unless he would listen to reason. To Phelps and Carroll advice was given that it might be well for them to see Kelley, for "Lee has written a lot of foolish letters about you fellows and you had better look out for an explosion."

"I wonder what he has said about me?" said Phelps the evening the message came, addressing Carroll who was with him in the lobby of the Auditorium.

"I'm sure I don't know," replied the Burlington man, nervously.

"Well, I guess the best thing we can do is to see this rubber-heeled legislative agent and find out where we stand. There's a train leaving for Montreal at 5 o'clock to-morrow afternoon. Let's take that."

"All right," agreed Carroll. Then, "Are you going to use your pass?"

"I should say not. We don't want anybody to know where we are bound for, do we?"

Phelps was at the Grand Trunk station at the appointed time, but Carroll did not appear. Becoming impatient the colonel called up his brother lobbyist over the telephone and asked him why the delay.



"O, I'm feeling sick and guess I can't go," replied Carroll.

"Seems mighty strange that you should feel indisposed at this time," answered the colonel, and he hung up the receiver.

The meeting between Phelps and Kelley in Montreal proved very congenial and the legislative agent permitted his visitor to read about sixty letters which had been received from the lieutenant-governor. In several of these Phelps saw his name used, but in no manner to cause him worry. Not, so, however, concerning some friends of his who also were mentioned, and he chuckled as he read several of the illusions to the manner in which legislation had been passed at Jefferson City.

While perusing the documents the colonel told Kelley that Carroll had been taken with stage fright at the last moment and had refused to accompany him.

"What kind of a lad is this Carroll?" asked the baking powder man.

"I can't tell you much about him," replied Phelps. "We have worked together a long time at Jefferson City, and he has given me the slip time and again. Perhaps he hesitated about coming because of lack of time in which to prepare a wardrobe that would be suitable to this climate."

"Then he's not like you or me," said Kelley.

"Don't worry," assured the colonel. "He'll want to be like one of us when I get back to Chicago."

Forty-eight hours later Phelps was at the Auditorium again and the first person he encountered after registering was John H. Carroll.

"What's doing up north, Will?" asked the Burlington's representative.

Drawing his face into a glance such as only William H. Phelps can make he waved Carroll away, the gesture intimating that the revelations were too terrible even to be mentioned.

"Tell me what those letters were about," persisted Carroll.

"They put you in a bad light," said Phelps dolefully. "There's nothing in them against me—not a word that I care about, but there is enough stuff in those letters to get you into all sorts of hot water. Lee has been telling tales on you to Kelley for two years. It was your duty to have accompanied me, but as usual I shouldered all the burden. Now I'm off for Arizona. Which way are you going?"

"I guess," said Carroll, after a pause, "that I'll go to New York or to Washington for a little while. I understand they have issued subpœnaes for both of us in St. Louis and Jefferson City, and it's a pretty tedious business, this sitting around and waiting to testify."

## CHAPTER XXV

### CONFESSIONS OF VENALITY

AS KELLEY had placed trump cards in the hands of the indicted senators they felt strong enough to play the game to an end, believing that the bad character they could give the lieutenant-governor would offset his testimony in the mind of a jury. Therefore they broke off the Chicago negotiations, and Lee, finding his attempt to extort money through fear of further exposure had proved abortive, decided to return to St. Louis and make the best of a bad bargain. As a prelude to his homecoming, and in order to secure the best terms possible, Mrs. Lee visited Circuit Attorney Folk, to whom she communicated her husband's desire of appearing in answer to the subpoena that had been issued. "He will come right back if he does not have to answer any questions save those that refer to the alum deal," she added.

Mr. Folk would make no promises. If Lee returned he would have to obey the court's instructions.

It was not a satisfactory message that the wife conveyed verbally to her husband, but shortness of funds compelled the lieutenant-governor to either face the music in St. Louis or be without the means of livelihood in the Windy City, and one morning, about two weeks after Lee's disappearance from Jefferson City, Reporter McAuliffe, who had been on his trail, saw husband and wife board a street car at State and Adams street and ride to the Union Station.

When the train was well clear of the city the newspaper man approached the fugitive and called him by name.

Red mounted to the face of the self-confessed

boodler, then his cheeks paled and tears came to his eyes.

"Sit down, sit down," he exclaimed. "I know that my family blames you for all this and say that you have hounded me, but I do not agree with all they say. I know that you entertained a grievance against me for having sought redress at the hands of your superiors because of the article you wrote about me last summer.\* That embittered you perhaps. But I did not press my complaint and we will not discuss that phase of the subject now, for——— is in an asylum."†

For several minutes the lieutenant-governor was silent, and he gazed out the window at the stretch of prairie that spread in rolling waves of green, glistening with the first tints of spring. Then in a voice, the keynote of which was despair, he exclaimed:

"Sixty days ago my friends thought I would be the next executive of the best commonwealth in the Union. To-day that expectation is dashed to earth. But," and he shook himself as one does who is trying to get a fresh grip, "I will try to live it down. I believe I can. And then people will see that John Lee is not nearly so bad as he is painted."

Resuming the plaintive he condemned the newspapers. "They scourged me until I had no peace. My every motive, every act, every word was questioned, doubted and ridiculed.

"But enough of that," and he held out his hand. "I want our personal relations to be pleasant and I want the people to understand that in making a confession of

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\*The reader should not gain the impression that Lee's scolding cast any discredit upon J. J. McAuliffe. No newspaper man in St. Louis bears a better reputation and none is more conscientious in the performance of his duty. His "hounding" of Lee was merely his work on an assignment, given by the managing editor, to ferret out the crime in the general assembly.

†The lieutenant-governor referred to the assistant general passenger agent of a large railroad company, who gave McAuliffe information concerning some peculiar transactions in the state senate.

my connection with the alum deal I felt that I was rendering the state a great service and in a way atoning for what I had done. Now I am going back and ask for a square deal."

McAuliffe asked the lieutenant-governor for a written statement and Lee penned a few lines, to the effect that the confession he had made at Jefferson City was the truth and the whole truth, that he had told the Cole county grand jury all he knew concerning corruption in the general assembly and that he had not attempted to flee from the state, but merely sought a few days of quiet in order to nerve himself for the ordeals which were in store.

The day after his return Lee was summoned before the grand jury and questioned by Mr. Folk. He went over the same ground that he had covered in Jefferson City, detailing the bribery deals in connection with pure food legislation, but denied knowledge of other dark chapters in state legislation. Day after day he was taken before the inquisitors and was asked concerning the influences that were behind certain steam and street railroad measures, but to all such questions he replied, "I don't know." Yet all the while his manner was so evasive that those who heard him knew that he was suppressing part of the truth.

"I don't believe Lee has told one-tenth what he knows," said Mr. Folk after a two hours' siege with the lieutenant-governor. "But I have learned that he is the most consummate villain the boodle crusade has brought to light."

Finding nothing more could be extracted from this witness the circuit attorney excused him from further service and Lee left for California, where he remained three weeks. Soon after his departure John H. Carroll returned from the East and then William H. Phelps came in from Arizona.

Meanwhile both the Cole county and the St. Louis grand juries were grinding away on other material and by working together in perfect harmony they succeeded in bringing to light much of the dirty work that had

characterized previous assemblies. A typical confession was that made by former State Senator Fred W. Busche, of St. Louis, the owner of a large bakery, who had so held the esteem of his constituents that he had been sent to the legislature for six terms between the years 1887 and 1899. Those who listened to Busche's recital say they never saw a man more unnerved and that he frequently wept while giving the details.

"I went to Jefferson City to make a record for honesty, industry and capability," he said, "and for several weeks was able to look every man square in the face and feel that I was doing my duty. Then one day a railroad lobbyist asked me to introduce a bill for him. It was a sandbagging measure and I didn't want to be mixed up in such a thing; but he was so persistent that I finally introduced it by request.

"The next day he forced a hundred-dollar bill into my pocket and I foolishly kept the money. My conscience worried me a good deal, but I soon saw that everybody else was doing the same thing and so argued, why should I be the exception? After that I was in on all the big deals. For voting aye on the bill which provided for the consolidation of the street railroads in St. Louis I received \$500.\* My next present was \$100 for introducing a bill in behalf of a steam railroad company and soon after that I was put on the company's salary list. The bill which provided for the creation of a school book commission, to have charge of the public school text books, netted me another \$500.

*"I took money right and left and after awhile thought nothing of it, any more than I would of drawing my five dollars a day from the state. I guess that during the time I served in the assembly I received about \$15,000 in bribes."*

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\*This is the measure known as the Central Traction deal, which was carried by bribery through the municipal assembly of St. Louis, and which it was pretty well known had received legislative sanction after similar methods of vote-buying. However, Senator Busche was the first person to state under oath the price paid members of the general assembly for their action.

Charles F. Sweickardt, another St. Louisan, who had represented a city district in the senate, followed Busche's example and made a clean breast of the part he had played in the boodle game.

A confession made by Richard B. Speed, editor and proprietor of a newspaper at Nevada, Mo., threw light upon the methods adopted by persons who secured bribes through the sandbagging tactics of adverse legislation. In 1899 Speed was coal oil inspector of St. Louis and the fees of the office amounted to about \$12,000 a year. Senator W. F. Lyons, of Kansas City, introduced a bill which provided for the elimination of the fee system and the substitution of a salary. Desiring to make the most possible out of his office Speed called on Lyons and asked him to withdraw the measure.

"Pay me my price," said the senator, "and I will do so; otherwise the bill will go through."

"How much do you want?" asked Speed.

"Eight hundred dollars."

"Very well. I'll see about it."

The inspector called on his friend, Sam B. Cook, who is at present secretary of state for Missouri. "What shall I do about it, Sam?" he asked.

"Better settle," was Cook's reply; and the deal was made.

Unfortunately all these bribery deals had been committed at such times in the past that the statute of limitations' act prevented prosecutions and Mr. Folk at St. Louis and Attorney-General Crow at Jefferson City were only able to place on record the evidence of wrong-doing without bringing the participants to justice.

*The writer has information from the best authority that were it not for this law, which provides a three years' period in which prosecutions for bribery must be commenced, indictments would have been issued during the last three years for over three thousand persons, many of whom to-day hold prominent places of trust in public and private corporations.*

Another important development of the grand jury



investigations was that which showed how lobbyists had been permitted to befoul the senate chamber with their presence, immediately behind the speaker's rostrum, where, secure from general observation, they could direct the course of the lawmakers as they wished. In this place two railroad lobbyists were ensconced in 1899 when a bill providing for a tax on the franchises of all public service corporations was before the upper house, and while there they wrote and passed to the speaker the amendments that strangled the measure.

But to return to William H. Phelps and John H. Carroll, who were summoned to appear before the St. Louis grand jury immediately they reappeared in the city. Phelps avoided any unpleasant recital by a method characteristic of the bluntness of the man. He refused to answer any questions which pertained to affairs prior to the 1901 session of the legislature, on the ground that an offense outlawed by the statute of limitations could not be made the subject of judicial inquiry. In this position he was sustained by the court. At the same time he made a public statement to this effect:

"The great public service corporations are the chief victims of faithless public servants. If one-tenth of the bills introduced in the last legislature had been enacted into law many Missouri corporations would have been compelled to go out of business. As a general proposition seventy-five per cent of the legislators sent by St. Louis to the general assembly are the personification of incompetency. I recollect that at one session three-fourths of the St. Louis delegation was composed of saloon-keepers and not one in the entire outfit had ever seen a tax receipt."

Mr. Carroll's method of evading the questions put by Circuit Attorney Folk and Attorney-General Crow was by pleading his constitutional rights. The first interrogation, "Have you knowledge that the railroads bought the votes of the senate committee on railroads," brought forth this rejoinder, "I refuse to answer, on the ground that I might incriminate myself."

The witness was taken before Circuit Judge O'Neil Ryan, who upheld Mr. Carroll's contention.

At this day, after so many men have confessed the part they have taken in different boodle deals, it is surprising that early in the crusade someone did not invoke the aid of that constitutional provision statute. Had Charles Turner and Philip Stock done so the great exposure that has attracted the attention of the whole civilized world would have died in its inception.

Yet it was not John H. Carroll who first thought of the plea. He only imitated an obscure country lawyer who took shelter behind this barrier during the early stages of the Cole county inquiry—about the time that John A. Lee made his confession.

Cole R. Hickox is the name of this legal light. His home was California, Mo., where his practice was so slim that he was glad to accept a position as senate clerk at a salary of \$3.50 a day. When the bribery inquiry at the capital city was at its height a report reached the grand jury that Hickox had two \$500-bills in his possession. As that was more than he had been known to earn in an entire year at his profession he was summoned before the inquisitors and questioned as to where the notes had come from.

"I shall not tell," replied the lawyer, and he pleaded his constitutional rights.

The next day Irwin L. Page, editor of a Bonne Terre newspaper, was called into the secret chamber and asked to explain how he became possessed of a \$1,000-bill which he had tried to get changed at a local bank. Following the suit led by Hickox, Page also refused to answer. Both men were sent before one of the circuit judges who ordered that the questions be answered and when met with further refusals the court remanded them both to jail for contempt.

The cases were appealed and the supreme court sustained the contention of the witnesses, and released them from custody.

These were the precedents followed by John H. Carroll, and this ruling of the supreme court practically put a stop to any further probing of the boodle scandal.

## CHAPTER XXVI

### LEE'S LETTERS TO KELLEY

FROM far-away Montreal Daniel J. Kelley maintained an epistolary bombardment of John A. Lee's character in an effort to discredit his testimony when the time should arrive for evidence to be given in the trials of the indicted senators. One statement, corroborated by cancelled checks, proved that the lieutenant-governor had commenced accepting money from the baking powder trust as early as January, 1901; and the fugitive legislative agent made public the following "partial list" of money paid Lee since he first began accepting bribes: January 4, 1901, \$250; February 1, 1901, \$250; March 16, 1901, \$500; July 24, 1901, \$100; November 21, 1901, \$100; July 9, 1902, \$500; November 22, 1902, \$250; December 14, 1902, \$250.

This list does not include the check for \$1,000, mentioned in a previous chapter, which was sent to John A. Lee's brother early in 1903, and concerning which Kelley states that prior to the grand jury inquiry he was asked to make a draft payable to Mrs. John A. Lee for the amount, which he refused; nor does the list include actual cash paid by Kelley to Lee when he visited the metropolis; nor yet again does it include various other sums, cancelled checks for which had been mislaid.

"To cap the climax," writes Kelley to a friend in St. Louis, "Lee wrote me soon after the grand jury inquiry began that if I would pay him \$100,000 he would leave Missouri forever and not appear as a witness against me."

When questioned why he did not go to Jefferson City

and make a clean breast of everything, trusting to the mercy of the court, Kelley replied:

"If Mr. Folk or Attorney-General Crow ever had an idea that I would be a witness for the state they were very much mistaken. In the first place, I have nothing to tell them; in the second, you do not often find a man of my name and extraction turning informer.

"As for Lee, I don't hate him. I despise him. Yet, notwithstanding my feeling toward the creature, I would not make his villainies public had he not attacked the character of some decent men."

While Kelley was fretting under the bane of self-expatriation F. H. Bacon, a St. Louis lawyer, formed his acquaintance in Canada, and soon returning to the Missouri metropolis, he made certain propositions to Circuit Attorney Folk, the object, it was said at the time, being to pave the way for Kelley's return to the United States. But nothing resulted from these counsels and it is doubtful whether Mr. Bacon was authorized to go very far in the legislative agent's behalf.

Reporter McAuliffe has reason to believe that the lawyer pretended to more than he was entitled, for the newspaper man found his statement quite at variance with actual conditions. To instance, when McAuliffe was assigned by his newspaper to find Kelley in Canada and interview him, Bacon said:

"You have no more chance of locating Kelley than in spying the proverbial needle in the hay stack. Besides, if you should accidentally happen to run across him he would have nothing to say to you as he has no use for newspaper men."

Nevertheless the reporter found no difficulty in meeting Kelley across the border and enjoyed several chats with him, during one of which Kelley exhibited a telegram from St. Louis and laughed as he read aloud: "D. J. Kelley, Niagara-on-the-lake, Ontario. If Post-Dispatch man sees you do not talk to him. F. H. Bacon."

"I found Kelley to be very genial and agreeable," said McAuliffe. "He is unassuming; not brilliant, but versatile and a good person to talk with.

“‘I am feeling lonesome,’ were his first words, after asking me to be seated; and I noticed that several times during our conversation he looked wistfully in the direction where lay the United States.

“‘The English and French here are very pleasant,’ he continued, ‘but there are no people on earth like those who have the good fortune to live beneath the stars and stripes.’

“We discussed the subjects of the day and Kelley manifested great interest in the Missouri gubernatorial campaign. Supreme Judge James B. Gantt would be the democratic nominee, he thought. Not a word against Mr. Folk did he utter; in fact the only person against whom he apparently bore ill will was John A. Lee, and his phrases concerning that person were so picturesquely bitter that I concluded a tragedy would result should the paths of these two ever cross in the future.”

During that interview Kelley permitted the reporter to copy some of the correspondence that had passed between him and Lee. Several of the letters are here reproduced as being absolutely unique in this phase of criminology—letters, be it remembered, written by the lieutenant-governor of a great state, who by virtue of this office was president of the senate, to a lobbyist whose sole reason for carrying on the correspondence was that he might buy the votes of a general assembly:

**Lee to Kelley, March 29, 1901.**

Bill Phelps can't give me any pointers. My man Busch in Jasper county beat him in his own county, 247 to 244. I beat him in his own county, 15 to 9. I do not fear Stone, Cook or Dockery, although they are against me.

**Lee to Kelley, March 19, 1902.**

Dear Old Lamb: Together with Carroll and Phelps I now control the situation. I can make P. and C. work for me without charge. They are subject to my orders and they will dance to my music. I like you; you are a good fellow, a jolly good fellow, and you have been kind to me socially and otherwise, but business is business and must be awarded to those who control the situation.

**Lee to Kelley, March 21, 1902.**

I will be too busy to talk to cheap people from now on. I must get my campaign fund together. I will have to have \$25,000, and get into the game and make the limit larger. Stone for United States Senator, 1903; Cook for Governor and Dockery to succeed Cockrell in 1904, is the combination formed against me. Don't get offended at my talk, and business is business. Plain talk is plain talk.

**Lee to Kelley, April 9, 1902.**

I do not know what it will cost (baking powder legislation), but have had conference with certain experts here, and they hold that it should be stopped in the House the next time, and it will cost, including all contingencies, about \$15,000. Entirely conditional, of course, on delivery. This provides for everything and everybody.

**Lee to Kelley, December 29, 1902.**

Dear Kelley: All bills will come out of the committee at this session. That point has been fixed and the committee on rules named. Farris, for president pro tem, and Roach for secretary of the senate, will both be defeated, and things made so hard and fast that Phelps and Carroll will have rough sledding, as well as other applicants. The lower house is your only show, in my opinion. If it should pass a baking powder bill, I think it would pass the senate. I am playing for the governorship and cannot do otherwise than I have done. You wrote to me three times that your people had pulled out before I decided as to my course. Stocks are away up, so I am told. I am on the outside. My life ambition is before me. Money don't count. I haven't got much, but I can get some for campaign purposes when the time comes. I don't know what the alumites are doing. I hear they are hustling. They don't like me and don't come near me. Everyone is afraid of the Post-Dispatch, and nobody wants to stand the cross-fire. Orchard (defeated for re-election to the state senate), may not have been defeated by the alumites, but cannot get anyone to believe otherwise. I am honest with you, and plain spoken. You may win in the labeling plan, but champions are hard to secure on a contingent basis. The game is too hot for you, my friend; keep out. I am with you on the point of my personal preservation. Can go no further.

**Lee to Kelley, January 4, 1903.**

Friend Kelley: I have read your letter and have got matters all fixed up for a labeling bill to be introduced and fought through the senate. The alumites are so confident now that they would not take a compromise. I suggested



it to Layton and he pool-pooled it. I got F. in my office last night and talked matters all over with him. He has not taken a drink for two months, and says he will not take one during the session. We fixed up all of our differences, but agreed to go on privately with the fight for awhile, until organization is over. The country papers are full of it to my credit and he (Farris) is blue as hell, knowing that he will lose out for president pro tem of the senate, but he will continue the fight for appearance's sake, though he may conclude to withdraw. I settled the matter by engaging him as my attorney, to look after my interests during the session for \$1,000, and that is what I want to do with the money I want to borrow of you. Farris is the man for open work on the senate floor or before the committee. I will give him a good committee, but bills can't be held up this session. The labeling proposition is the ticket. Morton is too damn tricky, and is not worth a cuss in the open. He is deadly afraid of Farris, and so is Carroll, and he can make them crowd into his wagon when he wants them. I do not know what arrangement I will be able to make with him, but I think it will be fair and square, and he can coerce P. (Phelps) and C. (Carroll), and make them all help him. Committees will not be announced until next Monday, as all the work will be taken up in organizing. Fix up your proposition and get it out here quickly, so I can get to work on it. You should fix it, if possible, so that I can at least make my attorney's fees out of it, which I have been compelled to pay in order to get things into shape. Otherwise, everything will be lost. He (Farris) did not ask me for anything. I proposed the arrangement so I could make my gallery plays for the governorship and help everything in line, too.

**Lee to Kelley, March 31, 1903.**

My Friend: How about the Post-Dispatch and pulling it off? Unless this is done, I fear my chances for the governorship are ruined. They had one or two abominable intimations in their columns. It must, however, be done carefully and cautiously. I guess they are susceptible to business, and I am inclined to think that your withdrawal from them was what put them onto Stone. I am still here mending up matters, sending out a report of the laws. Wire me here as soon as you receive this, as I leave about Sunday for home, so as to attend to P.-D. matter. They hit nothing now for several days. Write me to 5347 Cabanne avenue. Do not write here, for I will not get it. How did Farris feel at the close? He was mistaken about me leaving to avoid opportunity for a conference. I left because it was the opportunity of a lifetime to go to New York and get advertised. I know the World's Fair and I know that he is perfectly safe. He and Rubey fell on



each other's necks and wept on the last day. Farris presented Rubey a silver tableware set. I was like the man who interfered between man and wife. I have not heard from Farris since. In fact I am the only man of all the legislature who is here to look the grand jury in the eye. Do not use your own patronymic in wiring me. Sign Samuel Sargent.

**Lee to Kelley, April 1, 1903.**

D. J. Kelley: I am here in Jefferson City getting out a synopsis of the laws passed at the recent session. I am, in about ten minutes, going before the grand jury on a summons, and you can be assured I will stand all right for everybody. Don't fail to try to plug the Post-Dispatch man, but be careful. Why not give the paper a chunk of business? Maybe that will stop it. Unless you do it, I am out of the race for governor. How would it do for me to go to them and try to make friends, after you have acted? Write me at St. Louis, 5347 Cabanne avenue and nowhere else. Wire me here until about Saturday under the name only of James Sargent. Wrote you yesterday. Do you burn my letters?

**Lee to Kelley (by wire), April 7, 1903.**

Your health being poor, brief recreative trip, if taken, would be greatly beneficial. JAMES SARGENT.

**Kelley to Lee, April 11, 1903.**

I have in my possession every letter you ever wrote me and every paper you have put your name to. If you have or should malign me to push any of your political schemes or plans for any purpose whatsoever, these documents will be used and will protect me fully. The statements that have appeared in the public press as emanating from you must be withdrawn and denied by you forthwith and unqualifiedly. They are both untrue and malicious. My friendship will not permit you to use my name in any illegal or dishonest connection, to serve your political or other plans. Wire me instantly that you have complied today with my requirements as herein expressed.

**Lee to Kelley (by wire), April 11, 1903.**

You don't understand situation. Don't be hasty and make matters worse. He is not here. 'Phone us 2 o'clock Sunday; home. HIS WIFE.

It is useless to go into details concerning the court trials that were sequent to the state boodle exposure. At this writing the cases are "hanging fire" in one form or another, and owing to Lee's character, added to the technicalities involved, it is doubtful if any convictions are ever recorded.

## CHAPTER XXVII

### FOLK AND THE GOVERNORSHIP

ONE might as well point to a particular wave on the ocean and say, "The wind created that white-cap first," as to name any one person who conceived the idea that Joseph Wingate Folk should be rewarded for his labors by being made governor of Missouri. The call that this be done came from all over the state early in the year 1903; louder perhaps was the note in the country than in the towns and cities, but the ring of it could not be mistaken.

Yet there were those who misinterpreted the sound and thought that a counter din could drown the clamor. So when the shouts for Folk were heard from the Kaw to the Ozarks persons who were opposed to elevating the circuit attorney to the governor's chair suggested the names of other men for the position. John A. Lee was the first to be mentioned and then Secretary of State Sam B. Cook. But, as has been told in previous chapters, the booms of these two gentlemen quickly collapsed when the grand jury threw light upon the part they had played in certain bribery transactions.

Next in opposition to Mr. Folk was mentioned James A. Reed, mayor of Kansas City; a few weeks later Judge Gantt of the supreme court was suggested, and finally those who were fighting the man that exposed the boodle sore brought forth Harry B. Hawes, and he resigned the presidency of the St. Louis board of police commissioners in order to enter the campaign.

It has never been proven what constituted the power behind these various candidates whose sole object in

permitting the use of their names was to defeat Mr. Folk, but anyone who followed the early stages of the campaign knows that certain corporate interests, that had been violating the laws, provided the sinews of war. Defeat Folk at any cost, was their cry, and the reason was their fear of what the man could do when chief executive of the state. They had been violating the letter of many statutes and their conduct had been winked at so long as they contributed to campaign funds. They knew that under Mr. Folk's administration the law would be enforced to the letter, and—here is what hurt the most—acts of former years would be subject to judicial investigation with the probability of court trials and prison cells as a sequel.

Those who directed this campaign against the circuit attorney agreed that Mayor Reed could carry Kansas City, St. Joseph and several counties; that Judge Gantt would be strong in another section and that Mr. Hawes could pocket the St. Louis wards and a few outlying neighborhoods. In this manner the combination would have more votes in the convention than Folk, and having once eliminated the circuit attorney they could name whom they pleased and satisfy the others with minor state offices or positions which would give them power in the large cities.

Mr. Hawes was in Europe when he was first mentioned as an opponent to Mr. Folk, and William Marion Reedy, editor of the St. Louis Mirror, seeing the pitfall that was being dug for his absent friend, sounded a note of warning in the columns of his weekly newspaper. That article, which was published on August 27, 1903, was a true reflection of conditions as they were and its prophetic phrases show remarkable foresight in view of what has since occurred. It is here reproduced in full:

Certain politicians of this city are said to have in contemplation a demonstration in honor of Mr. Harry B. Hawes, president of the Jefferson Club, president of the police board, and leader of the local democracy, with a view to proclaiming him at that time St. Louis' choice for governor of Missouri.

A demonstration in honor of Mr. Hawes would be a fitting tribute to a popular man, a clever politician and a resourceful party leader and organizer. He deserves at the hands of the local democrats all the honors they can bestow upon him.

But to proclaim him a candidate for governor, as the man with whom certain politicians purpose to defeat the nomination of Mr. Joseph W. Folk, would be to put Mr. Hawes in a false attitude before the public.

Who are the people chiefly concerned in preventing the nomination of Mr. Folk for governor? The men of the democratic party who are under indictment or conviction secured by Mr. Folk through his investigation of municipal and state corruption; the men who have been shown up, though neither indicted nor convicted in the course of the boodle inquiry; the members of the state machine whose political supremacy is threatened by the uprising of Mr. Folk's star; the representatives of liquor and gambling interests who are afraid that, with Mr. Folk as the head of the state, there is a prospect for a tightly shut state, as opposed to a commonwealth wide open for all the army of grafters.

Is there anyone in the state who doesn't know that the facts are exactly as here stated?

Now, no friend of Mr. Hawes, and there is no one who more admires him or feels a warmer affection for him than myself, wants to put Mr. Hawes forward as the champion of everything upon which Mr. Folk has made war. Mr. Hawes will not be favored, by anyone who really has Mr. Hawes' interest at heart, as a candidate representing, in a word, indecency. Mr. Hawes has never fought Mr. Folk, and if Mr. Folk has investigated Mr. Hawes and his actions, nothing has leaped to light to the young leader's discredit. A politician so closely identified with city and state affairs as Mr. Hawes has been, may well feel grateful that Mr. Folk's investigations have done him no harm, have left his name and character without a stain. Mr. Hawes has not, by any act or word of his, given evidence that he does not sympathize with the purification of politics and government begun by Mr. Folk. Mr. Hawes has done as much for good government, in his way, as Mr. Folk has done. Mr. Hawes was instrumental in nominating and electing Mr. Folk, and in nominating and electing three reform city tickets, upon one of which was our present excellent and estimable mayor. Why, then, should Mr. Hawes be put forward as this city's choice to beat Mr. Folk? Ordinarily, his candidacy would be legitimate—it would be that, even now—and would not be in the least reprehensible. But present circumstances are such that the putting forward of Mr. Hawes will mean to the general public nothing more

than that he is the hope of those who have suffered or may suffer at Mr. Folk's hands for their own sins. To put Mr. Hawes to the front in such an attitude now is simply to ruin his career.

The idea of the politicians who dislike Mr. Folk, the boodlers generally, the representatives of the state machine, is that if they can carry St. Louis, Kansas City, St. Joseph, Hannibal, Springfield, Moberly and like places, with their counties, when they are parts of counties, for any candidate other than Mr. Folk, they will be enabled to mass the votes together in such number that when they shall be thrown to one candidate, that candidate will then have a majority of votes in the convention, and will be declared the nominee. The proposition is, that Mr. Hawes shall be the man upon whom the opposition to Folk shall concentrate.

The scheme is feasible. Mr. Folk can be defeated for nomination in that way.

But what becomes of the man by whom Mr. Folk has been so defeated? He has triumphed in the convention. What of the election?

What will the people of the state say when Mr. Folk has been beaten by this manoeuvre? Simply that the reformer has been "turned down" by the boodlers, the state machine members, the slum elements of the cities. Upon whom will the people vent their anger and scorn over such a triumph? Upon the nominee for governor, no matter how able, clean and honorable he may be, no matter how he may have come unscathed through withering fires of investigation here and in Jefferson City. The man the machine uses to defeat Folk will almost certainly be defeated. No matter how good a man he may be, he will be supposed, by virtue of his position, to be opposed to all the good things Mr. Folk is supposed to represent. Who that really cares for Mr. Hawes would like to see him put up as the tool of the influences with which Mr. Folk has made himself unpopular?

The Folk boom has gone too far to be stopped now, save by the plan outlined above, and a victory according to that plan would almost inevitably be a defeat for the democratic party in Missouri. It might, or it might not, be a good thing to defeat the democratic party in this state, but it certainly is not a good thing that the defeat should be accomplished at such an expense as putting an end to the career of a young man of so much high promise and meritorious performance as Mr. Hawes. That, at least, is the way in which, I think, any true friend of Mr. Hawes should look upon the movement to make him the antagonist of Mr. Folk and Mr. Folk's ideas and ideals.

What will the people who hate Mr. Folk care for the

situation after they have defeated him with Mr. Hawes? Nothing. Their main end is the defeat of Folk; not the election of Hawes. Many of them, indeed, would be glad of the opportunity presented to down Mr. Hawes as a political factor, by defeating him. In the very places where the men hope to secure enough delegates to defeat Mr. Folk, the party is in bad shape, because of discontent. Here in St. Louis the "workers" are disgruntled because of lack of "recognition." 'Tis the same in Kansas City and elsewhere. The state machine is unpopular with the politicians, and the boodlers are unpopular with the people. The chances are, that the men who carry elections will be hard to get out, and that the bosses who have been so sorely smitten by Mr. Folk are more than half willing to let the state go republican.

Mr. Hawes will fail in his usual wisdom if he listens to the blandishments of the men who are suggesting him for governor in the face of desperately adverse conditions.

If the elements that I have mentioned as opposed to Mr. Folk want to "settle" him, the best way to do it would be to give him the nomination for governor and then knife him so decisively in their large and small city strongholds as to defeat him.

By all means, let there be a rousing welcome for "our Harry," and let there be no talk of him as the only man to beat Folk. That puts him falsely before the people. It might mean the wreck of his political career.

Hawes did not heed this warning. Probably he was too closely identified with other interests and soon after returning from Europe he announced his candidacy. Four months later he was heard to say: "I thought I understood the people. I did know the city, but was mistaken in the country."

St. Louis county\* was the first section in which the issue of Folk or anti-Folk was put to a test, the tickets there being Folk and Hawes. The county central committee had ordered that township and precinct mass meetings should be held on February 27, 1904, to select delegates to a convention which should meet on March 1.

Four days prior to that on which the township primaries were called Ernest Marshall, a veteran demo-

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\*St. Louis and San Francisco are unique in that their governments are independent of the county. St. Louis county affairs are conducted from the county seat, Clayton.



cratic politician, who lives at Windom and is engaged in business in St. Louis, was accosted by a member of the St. Louis police force and asked to step to one side, where they would not be observed.

"Well, what is it?" asked Marshall, when they had reached an infrequented place.

"I've got onto a scheme by which Hawes expects to carry Central township (the largest in the county) next Saturday. They are going to rush four hundred and fifty 'indians' out there and capture the polls. Here, I have the names of some of the members of the force who are going;" and he showed Mr. Marshall a list. "Tom Jenkins has promised to take out a number of the Suburban employes, and the other fellows are hangers-on around Lavin's saloon."

Mr. Marshall could hardly believe this information, but he assured his informant that if it proved correct then he would be well remembered should a change of administration occur.

"It is true, every word of it," replied the policeman. "Moreover, Hawes has rented every hall in Clayton, both for the primaries and for the convention. You look into it and see if I am not correct."

That night a conference was held in Clayton, and after proof had been obtained that the allegation concerning the rental of halls was correct, the supporters of Mr. Folk planned to outwit the forces that expected to run riot in the county. What happened is best told in a statement made March 3, bearing the signatures of J. B. Sudduth, chairman of the democratic central committee, and J. C. A. Hiller, secretary of that organization:

In the rural townships of Bonhomme and Meramec, the primary meetings were peaceable and orderly, and the results accepted were without protest from anyone, the nine delegates from Meramec township and thirteen from Bonhomme all being elected on the Folk ticket.

In Carondelet, Central and St. Ferdinand townships, all lying contiguous to the city of St. Louis, efforts were made to control the meetings by non-residents, commonly called Butler-Hawes "indians," from the city. At Clayton some 400 of these people took possession of the town, and so intimi-



dated resident voters that it was impossible to hold a meeting in a public hall. Mr. Hawes had hired every hall and vehicle in the place, and the meeting was held in a blacksmith shop, while the Hawes people held one in a hall which they controlled.

At Florissant, in St. Ferdinand township, twenty-two republican negroes and something near a hundred "indians" attempted to control the meeting, which resulted in two sets of delegates.

At Afton, in Carondelet township, the hall was packed in advance by "indians," so that the regular meeting had to be held in another place, which also gave rise to contesting sets of delegates.

When the time arrived for the county convention at Clayton, Mr. Hawes had again hired both the public halls in the town, and, a murder trial being in progress in the circuit court room, the committee engaged the probate court room and designated D. C. Taylor, an uncontested delegate from Bonhomme township, as temporary chairman, and George L. Frazier, an uncontested delegate from Meramec township, as temporary secretary.

But, on attempting to call the convention to order, the temporary chairman was forcibly prevented from taking the chair, was dragged off the platform, beaten and bruised by a crowd of ruffians wearing Hawes badges, most of whom were not known to the citizens of the county, but who were led by one Thomas Jenkins, of St. Louis city, who was not a delegate, nor even a resident of the county, but who then undertook to organize the meeting with the aid of more than a hundred "indians" and contesting Hawes delegates.

Seeing the confusion and impossibility of getting the appointed chairman to the chair, J. B. Sudduth, chairman of the county central committee, called the meeting to order and designated J. G. Appler as temporary chairman; whereupon Judge W. H. Biggs, an uncontested delegate from Bonhomme township, moved that, in order to avoid riot and bloodshed, the convention adjourn, to meet at Kirkwood Saturday, March 5. The motion was duly put and carried, and accordingly the regular democratic convention of St. Louis county will be held at Kirkwood the following Saturday at 11 o'clock.

Now, fellow democrats, it is difficult for us to make you understand what this situation is. You have never had any experience like it. You have never had your county overrun by thugs and ruffians from the outside, imported there for the purpose of controlling your conventions.

To attempt to go into details would make this too lengthy and tedious for you to read. The regular convention will be held next Saturday, and presumably the irregular con-

vention, held yesterday by the Hawes contesting delegates, will carry the fight to the state convention, where every detail will be brought out before the committee on credentials.

We wish to assure you that the peaceable, law-abiding citizens of St. Louis county feel incensed at the action of these outsiders, and we believe that the same feeling of indignation would be shared by every one of you, if you could have witnessed the performance, which was the most disgraceful scene ever witnessed in our county.

There were old men, who have been citizens of the county all their lives, and whose seats in that convention were uncontested, ruthlessly run over, forcibly ejected from the hall, insulted, and, in some instances, brutally assaulted. Mr. Jesse Joplin, over 70 years of age, an old confederate soldier, and lifelong democrat, was brutally choked and shoved out of the hall by three young ruffians who were not known to the citizens of the place. Mr. Taylor, another old citizen and lifelong democrat, who was designated as temporary chairman by the regular democratic committee of the county, was forcibly thrown from the platform through the glass door of a bookcase, and not allowed to take the chair.

Do you ask why force was not met by force? Because we preferred to avoid bloodshed and appeal to your sense of fairness to right the wrong. Do you ask why the deputy sheriffs were not engaged to keep order? Because the sheriff himself refused to appoint them, although we offered to pay the expense, and instead of appointing them, the sheriff himself left the town and could not be found.

We resent the charge that the regular democratic organization in the county is responsible for these disgraceful occurrences. We undertook to give all contesting delegates a fair chance to be heard, and have their contest settled in the usual way by the regular method, and we assure you that in the regular convention, to be held next Saturday, there will be a fair and regular method adopted for determining every question that may come before the body.

The convention at Kirkwood was held as arranged and the delegates were instructed for Joseph W. Folk. Then all eyes were turned toward St. Louis, the scene of the next contest.

## CHAPTER XXVIII

### THE ST. LOUIS PRIMARIES

PRACTICAL politics in St. Louis has for several years meant the elimination of the voter at elections. Paradoxical as this may appear it is nevertheless a truism, supported by ample evidence.

Under existing laws, supplemented by supreme court rulings, a boss with a thousand henchmen to do his bidding can carry the city for whosoever he wills; for these henchmen can multiply themselves into as many ballot box feeders as may be necessary.

This is done in several ways, but always in the manner to suit the occasion. If, prior to election day, the judges and clerks can be bought, then it is a simple trick for a dozen or more of the "boys" to hand in a sufficient number of ballots to overcome the ballots cast by the opposing party; and the number necessary to insure this victory is given them by the election officials in the precinct who have been bribed.

When these judges and clerks cannot be influenced several methods are resorted to. They can be classified the genteel direct, the genteel indirect and the brutal.

First, the *modus operandi* of the genteel direct: For weeks prior to election day lieutenants of the boss secure the names of persons who have registered and who for business reasons cannot appear at the polls until late in the afternoon. On election morning, bright and early, the lieutenants muster their privates in saloons and give each one a half dozen or more names.

As an illustration let us take the experience of Anton Frazarro, who wheels a push-cart through the streets and is dependent upon such customers as compose the ranks of the boss. Anton, who has been naturalized—

how, he never could explain—receives word to appear at Tim O'Toole's saloon at 6 o'clock in the morning. He obeys. First it is a drink of the liquor he likes best, then a five-dollar bill. "Now Anton," says the lieutenant, "here are your names for to-day. Vote this one first, then this, then this. You will find other hats and coats in the back room. Sabe?"

Another drink and Anton saunters forth. Fifteen minutes later a ballot is cast in the name of Flewellyn S. Pettingill, and Anton returns to the saloon where he "makes up" for the part of James Sparks, Esq.

Later in the day the real Messrs. Pettingill and Sparks appear at the polling place. They may be kept away from the ballot boxes by the brutal method, to be described later, or if they reach the room they are informed that they have already voted.

"What! voted?"

"Yes, voted," snarls the election judge, who is in the boss' service, while the other judges look askance.

Perhaps Messrs. Pettingill and Sparks protest, in which event a policeman—also in the ranks of the boss—is called and they are ejected. Multiply Anton by five hundred and you will learn how prolific are the results obtained by the genteel direct method. And why is it impossible to detect this fraud? *Because the supreme court has ruled that the ballot boxes cannot be opened.*

It was an artist in matters political who discovered the genteel indirect method. Names have been placed on the registration books of persons who never existed, at least not in the place assigned to them. On election day these names are voted by the Anton's and the Mike's. Illegal? Arrest an Anton and note the result. Able counsel will appear in his behalf and will demand his acquittal, on the ground that the state cannot prove that the person whose name was voted does not in reality exist; or if the person may have passed away then the state must prove that he is dead. And an acquittal is forthcoming *for there are supreme court rulings that make such action imperative.*

The brutal method is the swarming around the poll-

ing places of thugs and roughs, whose instructions are to prevent from entering as many as possible of voters belonging to the opposing party, and to pay especial attention to those men whose names have been voted early in the day. And this is possible because a learned St. Louis judge has ruled *that it is not an offense in the eyes of the law for one person to shove another out of line when he is trying to reach the ballot box.*

Such were the conditions that existed in St. Louis when the people were asked, on March 12, 1904, to vote at a primary election for either Joseph W. Folk or Harry B. Hawes—and the latter had control of the “machinery.”

The result was foreseen even before the ballot boxes were opened. In a number of precincts the judges and clerks put as many Hawes ballots in the boxes as they cared to and threw in a few pieces of paper bearing Folk’s name, “just for the looks of things.” In other precincts the direct and indirect methods were freely resorted to, while in those where Mr. Folk would roll up handsome majorities unless prevented by force, the brutal method was in evidence in its worst form.

Several days after this election the writer was seated in a barber chair. “Did you vote?” asked the artist of razor and lather.

“I live in the county. Did you vote?”

“No.” said the barber. “I went to the polls and gave my name to the judge. Pretty soon a big fellow yelled out, ‘You have already voted. Scat!’ and I scatted.”

Such is an example of the direct method. For an illustration of the brutal let us read the account of Rev. Robert A. Holland, rector of St. George’s Church:

It was near 3 o’clock when I went to the polls at Taylor and Delmar avenues. I saw about fifty men in line. The foremost part of the line had an ugly look; there were some gentlemen in the rear. I took my place behind Rabbi Messing. We waited—I can not tell exactly how long—without any perceptible advance. Dr. Messing began to lose hope of reaching the ballot box, and said he had en-

gagements that would take him away. I begged him to remain as a duty above all ordinary engagements. While we were talking a red-nosed rowdy, standing just outside the column, accosted the doctor with impudent familiarity.

"It's no use to wait," he said. "Your vote won't count. I've got lots o' fellows across the street, and we are going to down you. We are republicans, we are, but we are going to down you." I asked him where his republicans were. He answered: "All around here in these houses, waiting until I call 'em." The doctor observed sotto voce that "there was truth in wine," for the red-nosed rowdy had liquor enough aboard to make him slop over with recklessly confidential brag.

He persisted for some time in his effort to coax or bluff the doctor out of line, and then left to greet with liquorish affection the policeman three yards away, who did duty with his back turned to the incident. They seemed to be old playmates.

Dr. Messing grew tired and left without voting. I stayed, and interested myself with a study of the scene. No attention was paid to the hundred-foot rule. A gang of young ruffians held the sidewalk. Most of them showed signs of drink. They were evidently organized for their work, and under a head. This head had as devilish looking a face as I ever saw. I should hate to meet it at midnight alone. His business seemed to be to watch the line, and estimate the character of the vote by the appearance of the voters. This he did with furtive, but frequent glances, and the glances grew angrier as the column lengthened. His conferences with his minions were in undertone, and they shared his temper. They came and went away anywhere along the line and in and out of the polling place as they pleased.

While I was studying this scene, a buggy drove up, and I heard a murmur all around me—

"There's Hawes. It's Harry himself." And the line in front of me broke, and at least half a dozen men jumped out of it and ran to salute the leader, who was now on the sidewalk and holding the hand of a political deputy, better dressed than the line watcher and, no doubt, outranking him in responsibility for the boss' work.

This man's part, as I saw afterward from across the street where I went for safer observation, was done chiefly around the corner of the little voting shanty, where he met and coached his minions. But the salutation of Hawes and the gang was a spectacle. They closed around him and reached out their hands for his, as if they expected a miracle from the touch, and he in return smiled on each of them as if he would swallow them whole.

I saw Hawes—I suppose the man was Hawes. I am not



sure. I can only judge by the exclamations that called his name and the rowdy worship he received. I never saw the man before. He wore a black slouch hat which half-shaded his face. His overcoat collar, as I now remember it, was turned up to his chin.

I had no watch with me—the occasion was not congenial to pocketware—or I should have timed the candidate's arrival. But it was between 3 and 4 o'clock. He tarried long enough for a handshake with the gang, for a few words more of private interview with the line watcher and for a still later and longer private word with the round-the-corner-shanty coach of the whole ruffian crew.

Their appearance was a menace and intimidation to every well-clad voter who was not personally known to be for their candidate. Their candidate saw them, knew them—knew what they were there for, knew that they had no right to be there, and yet spoke no word of disapproval. His delight dazzled their eyes. And as soon as he left their activity grew bolder and more busy.

I do not think they were repeaters, so much as liners, their business being to hold the line and delay voting as long as they could in this way, and later on shove or slug voters out of places, which they would themselves occupy until reaching the door, and then leave to return for new shoves and sluggings. They had the liberty of the line while I was present. It was only the break caused by the appearance of their chief that enabled me to vote when I did. Their chief gone, they held a brief sidewalk jollification, then tapped the saloon and came back to the column.

I knew when I left that there was to be bloody work at dark, if not before, and told my apprehension to my family and friends. It was the first time I had ever voted at a primary election, and never did my American citizenship, my very manhood, seem so cheap and dirty a bit of refuse. And that is all the manhood of any citizen of St. Louis amounts to if he tolerates any longer this Hawes-Butler bullyism. It is your cowardice, fellow citizens, that the Hawes-Butler hoodlums bank upon in their bold, shameless overriding of your rights.

And many of you are Southern men. Your fathers fought four years for grievances infinitely less and against the shadow rather than the reality of an oppression that has not as yet laid violent hands upon one of them. Are you going to waste time in talk about legal redress? Where is the law? The ruffians hold all the seats of government, and control the courts, and make law as they go, to rescue their miscreants and reward their captains in crime. There is no anarchy so dreadful as anarchy under the forms of law.

The man who shot one president was not half so much



an anarchist as the man who has organized all the thieves, thugs, gamblers, pimps and saloon keepers of your city into a mafia of crime to abet his ambition.

You are not men, but a breed of cowards, unworthy of the liberty of your claim, if you let another election day pass without such a military organization as shall redden the streets of your city with the sacrificial blood of its bravest and best rather than yield supinely to this reign of low-bred rascality that riots under sanction of law.

It is not a question of whether you will resort to lynch law. The lynch law already exists. The question is how long shall it last, and while it lasts, who shall be the lynchers? Some of your worthiest citizens have already been lynched for attempting to discharge their duty as citizens, and no thanks are due to the lynchers that these quiet, law-abiding gentlemen escaped with their lives.

The next riot will be more murderous. It will come at a general and presidential election. It will beat you from the polls by brass knucks and policemen's bludgeons. It will terrify your judges of election. It will awe the timid and infirm and aged, however estimable, from the ballot which is their badge of citizenship. It will shoot down like so many mad dogs those who can not be otherwise beaten or awed.

Will you wait till then, and afterward fill the air with your craven complainings, while the Hawes-Butler courts stand ready to quash or acquit, or do whatever they are bidden in support of the villainy, and the Hawes-Butler governor refers the trial of the villains to commissions of candidates in whose behalf their outrages are committed? How long, brother citizens, whether democrats or republicans, will you wear the brand of "shamelessness" that has now become one of infamy?

Until you purge it away with costlier purification than idle protests, there it will stand over your city's once saintly name, as its proper legend, in the eyes of free America, "St. Louis the Infamous."

Many other experiences were related by men who had suffered from the brutal method. Norman J. Coleman, former lieutenant-governor of Missouri and secretary of agriculture in President Cleveland's cabinet, has described how, in spite of the fact that he was almost sick, he stood long in line without making any progress. He finally stepped out and made an investigation, to find that men were being admitted into the polling place by a rear door, and that there was no show for him. Finally a politician whom he knew

came up to him and said: "I will get one of the men out of the line up here and give you his place." Then just as he was about to give Mr. Coleman the place, he asked him for whom was he going to vote. "For Folk, of course," was the answer. "Then I can't do anything for you."

Were more proof needed of the lawlessness that ruled in St. Louis on the day when the people were asked to say whether they preferred Folk or Hawes for governor it could be given by a hundred, yes a thousand tongues, and by blackened eyes and bruised bodies which were in evidence the next day. For Dr. Holland's prophecy had come true and there was bloodshed after night fall, when scores of persons were assaulted because they insisted upon their right to vote. Among the many to be roughly handled and compelled to fight their way into a polling place were two sons of David R. Francis, president of the Louisiana Purchase Exposition. And there is grim humor in this, for they were endeavoring to vote for Harry Hawes and were cuffed and buffeted because they "looked like Folk men;" i. e., they wore clean linen and neatly fitting clothing.

## CHAPTER XXIX

### MISSOURIANS TO ARMS

OVER the state went the news of the outrages committed in St. Louis and St. Louis county and the people of the farms and villages realized that the call had come for them to save Missouri. Following the newspaper reports of the riots and disgraceful occurrences, they read an appeal issued by the clergymen of the metropolis; and what to the countryman has more weight than the words of a Christian pastor? If any one thing more than another opened their eyes it was that appeal, written by the Rev. Robert A. Holland, and it is fitting that it should be reproduced here in these closing chapters of "The Battle Against Bribery:"

I would address you in behalf of law and order. I am not so much interested in any partisan or any party as in the re-establishment of good government over our city and commonwealth. I say re-establishment of good government, because there has been an obvious suspension of it in the city of St. Louis, for which the city is not wholly to blame. The evils of the city were unquestionably great before the state increased them by misdesigned legislation, but the increase has rendered them monstrous and insufferable.

Nothing like it has ever been seen in an American municipality except under martial law, and martial law has never inflicted upon an American municipality so perverse a despotism. New York, Philadelphia, Chicago and Pittsburg have their plug-uglies and repeaters, but not organized into a provost marshalship of anarchy that turns ballot boxes and city treasuries over to their rule, and commands their assault upon all honest citizenship that will not brook their reign of political terror.

It is no exaggeration to say that there is no suffrage in St. Louis. The citizen is either frightened from the polls

or goes to them with the certainty that his vote will not count against the purpose of the terror-reign to keep itself in power and to use its power for the robbery of the city's wealth. While one million eight hundred thousand of dollars go each year to brass-button and be-weapon the strut of policemen whose business on election days is to keep riot instead of peace—a sum that may be enlarged at the pleasure of their commanders for the enlargement of their menace to all civic rights—the city's institutions of charity resemble hotels more than homes. Cramped and make-shift hospitals, insane asylums that are themselves half insane for want of proper room and service, almshouses that mingle the poor with the mad, as if to make the poor mad and the mad madder with neglect—attest the extent of the robbery that rewards the chartered boodler and thug.

Of course so bitter a curse could not have come upon our city without some deep, inveterate guilt of its own. For twenty years and more it had been careless of its franchises. They had been bought and sold in regular market. The market was at first secret, but grew open with the courage of custom, until little or no pains were taken to conceal its traffic. The buyers were citizens of wealth, presidents and directors of corporations—whose prominence lent respectability to the corporation in which they engaged; and the corruption became more and more respectable with the greater prominence its additions of ill-got wealth gave to the corporation presidents and directors who abetted it.

The brigandage thus gradually formed was not partisan. It used both parties for its plunder-ends. It organized an unpartisan party of its own that gained sufficient strength to hold the balance of power and bring other parties to terms. Those terms were always a trade, and its trades always secured to its band their privilege of boodle.

But for the complicity of certain of our richest men and the mercantile coteries they control, these professional boodlers, who were mostly barkeepers, could never have entrenched themselves in offices, the niggard pay of which they would not have thought worth their trouble to earn or seek. Their candidacy was a candidacy for boodle, and the beneficiaries of boodle supplied the money and indorsement that elected. And still it is these same beneficiaries who stand between them and the jail doors while they scoff at the threats of justice that can not imprison their felony without exposing the felony of palaces where civic honor is supposed to have its throne. It is these same beneficiaries who guarantee their bondsmen, and pay their attorneys, and furnish them means for exile flight, and to resist extradition demands.

Worst of all, it is these same beneficiaries, who, when it becomes necessary to protect themselves with their confederates in crime, provide the hire of the repeaters and rowdies who beat or cheat their own worthier neighbors out of the ballot that would expose or stop their knavish prosperity. But for them the repeaters would have no inducement to repeat, the rowdies no motive for striking down their peaceable fellow citizen, the officers of the law no social backing for their wanton lawlessness.

After twenty years of occupancy, it could not be pastime to oust these political and commercial brigands from their official intrenchment. Twenty years of dead-letter law! Twenty years of dying and well-nigh dead civic honor! Twenty years of political vice so commonly accepted as to lose the memory or hope of virtue! Twenty years in which a generation of young men has grown up under lofty examples of corruption to low and mean ideals of citizenship! Why disturb the city's habit by rousing its conscience with exposure of its shame?

The man who alarms is the real burglar, not the man under the bed with his hands full of stolen treasure. The city must defend its reputation, and its reputation is woven of the good names of its prominent boodle citizens.

Think how many of them are saved from indictment by the time limit alone. But for the time limit, what desolation in fashionable homes and fashionable clubs! The alarm must be stopped. The alarmist must be silenced. The clubs begin to mock, envious lawyers to decry; scurrilous newspapers to slander. Attorneys with brains to let are employed. Sessions many are held, and plans resolved upon, and once more brigandage grows bold. Who cares for the popular outcry? Popular outcries soon lose their wind. The people are a disorganized, incoherent mob that cannot use its might even if it knew the massiveness of it. A hundred soldiers can rout a thousand citizens.

The hundred soldiers are ours—machine against mob. The machine knows its mind. The machine has the courage of its knowledge. The machine cannot assail crimes done by its agents in its own interest without cutting its own throat. The machine owns every state office and governs the state itself. If the machine will stand firm, it can smite down Justice, and make its own will appear justice instead.

Pass the word up and down through every department of government—an attack upon boodle is an attack upon government, and an attack upon government is high treason, the crime of crimes. Not the boodler, but the prosecutor is the criminal, who should himself be prosecuted. Delay him, hamper him, thwart him, denounce him, wear him out. There will be another election soon that

will elect another prosecutor who will let all trials lapse that can be staved off till then.

Get continuances, get demurrers, get alibi witnesses. Fix juries to hang, if they will not acquit. Else appeal in order that years may go by before decisions reverse and remand sentences for new trials that can drag their slow course on until the new machine-prosecutor comes to set the captive free. Capital plan, and so far it has been carried out without a slip. Seventeen boodlers convicted and not one in stripes. Five decisions from the supreme court and every decision a remanding, or a reversal with dismissal.

Nor have your criminals, good people of Missouri, been less sure of escape than ours. You, too, have had brigands. They held the highest offices in your gift next to the governorship. Their arms have gone to the elbows in your pockets. They have systematically bartered your legislation. For ten years or more they have waylaid and sandbagged all bills that had hope of profit. Their sales in open assembly were loud enough for cattle auctions. They have been exposed and tried, but no trial has reached conviction. They are senators still, senators of the commonwealth of Missouri, if they do not hold still loftier places. You are indignant at their betrayal of your trust, but your indignation can not even clap them in jail to await the sentence they deserve. They are as free as your honest selves—as free and proud as if you had already re-elected them for demonstration and illustrious honesty.

It is a common cause, therefore, yours and ours—a common injury with a common inability to punish and repair it. But this is not all. In so far as our guilt may seem greater it is because of the greater injury we suffer through laws you have bound us with as with chains of iron. These are your excise and Nesbit laws.

It was not your intention when you passed them to tie your metropolis hand and foot, and deliver it up to the violators who have wreaked their lusts upon its fair white body. But thus they have debauched it. The violators have leagued with the boodlers, and together they have done the devilish act.

Your excise law put the licensing of all saloons and wine-rooms into the hands of one man, who receives its emoluments for partisan ability and in reward for party service.

He does not belong to us. He is not one of our citizens, and in no wise represents our citizenship. He is an appointee of your governor, who indicates approval of his conduct by permitting his continuance in office. That conduct has been to multiply pest centers of drink and lechery as centers of party hold and party spread. He can consent or not to any application for license, and revoke any license



at will, so that whatever vices the license breeds, must be bred by his wish for the pleasure of the power that appoints him.

He has given two thousand one hundred licenses and sunk just that many sinks of debauchery. He has sunk them everywhere, without regard to neighborhood of churches or schools or virtuous homes. No nook of social life is safe from their peril. They laugh at the laws enacted for their restraint. They not only entrap the youth who enters them, but lure reluctant entrance with song and dance. Girls no less than boys are their victims, and when passion is hot and reason reckless with wine, there are secret rooms ready for the consummation of the ruin the wine cup begins. Their victims count by the thousands every year, and may be your sons and daughters as well as ours. No crime in our city is so easy, so opportune as seduction.

Watch the bill boards and they will tell you by lewd pictures of a theater where nothing but lewdness makes scene or play. The theater is also a saloon, a wine room, a wide-open brothel. It calls its performances revels and offers our youth two a day for their debauchment. Its former proprietor was a candidate for congress, and claims to have been elected in the wealthiest and most respectable district of our city by six thousand majority. Can you believe it? And if such a man was elected in such a district, does not the election make a queer problem for American suffrage?

Consider the means. Every saloon in the city must do partisan work in exchange for the privilege of corruption it enjoys. The saloon-keeper, as a rule, must himself be a party boss of some degree and get about him a gang of bummers for election uses. The so-called "indians" are simply saloon gangs. It was a group of such gangs, led by a boss saloon-gangster, that throttled the citizenship of the twenty-eighth ward two weeks ago. What they did then in the twenty-eighth ward, they have been doing in the other wards of the city ever since the Nesbit law bugled them into battalions. The former proprietor of the brothel theater is one of their majors and the son of their major-general. He could marshal a six thousand majority as easily as a majority of six. He had only to call the number to know that it would answer.

With two thousand ward and precinct bosses, ready to do the bidding, however criminal, of those above them, you can see what an array of brute-might threatens the order and liberty of the city. Brute-might without curb of fear! Brute-might assured of impunity! So far the assurance has proved good. Frauds of registration, frauds of balloting, frauds in the judges' returns, frauds in the ultimate



count when they can be concealed in no other way, can and will be concealed by riot that confuses on-lookers and thus escapes detection. No photographer dare appear on the scene. No newspaper eyes are safe if suspected of watching for gang-deeds.

The issue now is whether after two years' effort to punish the commanders-in-chief, which have so far failed, the commonwealth of Missouri is ready to surrender its government to their seizure. Their escape has been more than escape; it has been triumph. Law is down; crime is up. The people are down; ruffianism has its heel upon their neck, and brandishes its club in exultation.

It is not for me to impugn the motives of the supreme court. As a citizen I can only lament the necessity for decisions that have brought the commonwealth to scandalous defeat. If the laws themselves necessitated the decisions, it is a sad embarrassment of laws that requires the sacrifice of the spirit to the letter, and of the letter to quibbles. Not being a lawyer, I cannot conceive such a decline of jurisprudence as constrains the displacement of its moralities by its technicalities—the palsy of its sword hand by scruples concerning the shape of hilt it has to grasp for cleaving the head of crime. The court might do well to remember that it can lose the confidence of the people by too much technical nicety as well as by too much technical carelessness. And the confidence of the people lost, the court will remain no longer a court.

"It is vitally necessary," says the committee of congress on the judiciary in its report just out, recommending the impeachment of Judge Swayne, "It is vitally necessary to maintain the confidence of the people in the judiciary. A weak executive or an inefficient or even dishonest legislative branch may exist for a time at least without serious injury to the perpetuity of our free institutions, but if the people lose faith in the judicial branch, if they become convinced that justice cannot be had at the hands of the judges, the next step will be to take the administration of the law into their own hands, and do justice according to the rule of the mob, which is anarchy, with which freedom cannot co-exist."

Was there no anarchic symptom in the outbreak of two weeks ago, no connection between it and the impunity similar crimes, though less flagrant, have so far had in spite of all the efforts of good citizens to bring them to punishment? Nothing of the sort had ever been witnessed in the twenty-eighth ward before. Hoodlumism had confined its previous adventures to regions where it was at home. It required unwonted hardihood to invade the ward of the largest tax-payers and most intelligent citizens, and thug them away from the polls where they quietly waited to

vote. The choice of victims betrayed the spirit of the invasion. The thugs had evidently been taught that every well-dressed man, every man who had a mind in his face, every gray-haired man who looked as if he had come to the place from a sense of duty, was to be taken for a friend of law, and therefore knocked out of line or knocked senseless to the ground.

Think of it, people of Missouri—citizens crowded out of their own polling places to make way for imported brawlers; tax-payers paying thousands of dollars each year for good government driven back from the ballot while their tax money went to the boodlers, and the bravos these boodlers employed to make official plunder more secure; a candidate for the governorship on the ground a half hour before the villainy grew violent, and in conference with the head villain, since indicted for his vileness; all the conditions of impunity standing round to encourage the saloon gangs in their work, even the police with their backs turned on the violence when they did not themselves take part in its meanest deeds. Your police, good people of Missouri, the police your governor appoints and governs through a board of his selection, his continued endorsement, his unceasing responsibility—a board three of whose members were candidates for the honors these vassals of theirs were bent on gathering for their consentient brows.

There are now fifteen hundred such police whom your city does not wish, and would gladly banish to your plows, that they might earn an honest living under your vigilant eyes—fifteen hundred such police whom our city pays one million eight hundred thousand dollars for domineering and dragooning its very best citizens. They can be increased to four thousand at the will of the governor's board, and the unwilling city be compelled to pay any amount required for their support, whenever that support is needed for wider havoc to keep tax-payers down and muzzle their mouths of protest.

The conduct of two Saturdays ago was not a sudden emeute, not a surprise in any sense to the board or its governor. It was simply the culmination of a course begun four years ago and persisted in through all the elections since. More grand juries than the one presided over by Isaac Morton, who afterwards became the democratic president of the city council, have vividly painted the recurrent outrages and the humiliation of the city that has had to endure them. Still no policeman has been dismissed from the force on their account, and none will be except as a temporary scape-goat for his gubernatorial sponsors.

How long, righteous people of Missouri, shall these outrages last in your name? How long shall Missouri pinion the city, which should be your sovereign pride, that bood-

lers and barroom ruffians and ruffian policemen may insult her, and trample upon her, and rob her of the wealth which is yours as well as ours? How long will it be before the desperadoes who have already reached the twenty-eighth ward, and buccaneered beyond the city limits, shall advance still further into the country? Are you ready to meet them in Jefferson City and be thugged out of your own convention by the trainloads that may as well go there as to Clayton? And will you then flatter yourselves still that you, any more than we, are American freemen? Curses come home to roost, and those you unintentionally sent to us with your excise commissioner and your police board are on their way back in raven flocks that gloom your sky.

Proud people of Missouri, look to your suffrage. It has already ceased to count. If the spurious majorities of three board-ridden cities can over-balance the real majority of the whole outside state against them, what does your free ballot signify? Is not the false city count as complete a destruction of your suffrage as if the Indians themselves went to your townships and battered you out of your rights in front of your farm houses? Make your majority fifty thousand over the counter-majority of the cities; the cities can out-reckon ten thousand—can and will. Their machine-minds are made up, and your governor owns and runs the arithometer.

Is it strange, then, in our distress we appeal to you—you who have brought it upon us, and will yourselves have to share it in time, unless together we can now—for it is now or never—strike the blow that shall make us free? By ourselves we citizens of St. Louis are impotent. Our speeches, our resolutions, our grand jury findings, are of no avail; as well try to cure hydrophobia with shower-baths. Resort to arms is a dire alternative for men who respect order, and would not stain their city's name with deeds, which, however just, must still look anarchic.

We beg you to spare us that extremity. In every primary election of the hundred counties where your voice is yet to be heard, say to your governmental agent in Jefferson City: "Call off the bloodhounds. We are tired of corruption and brutality. It is our own flesh and blood you would chase down. Missouri is a state of honest men, and shall be honestly governed. It is a state of sober men, and shall not be dominated by sots. It is a state of industrious men, who want no reckless gambling habits among its officials, no 'stand-pat' legislators or legislation. It is a state of clean men, who do not propose to wink at libidinous traps set to catch their sons and daughters in the great city where they would go often, but can not go now without danger of being entrapped at every step. It is a state

of Christian men, who think their religion has something to do with earth as well as with heaven, and are resolved to tolerate no political hells under the eaves of their churches. It is a state of brave men, who, when they know they have been trifled with, carry enough of God's wrath in their conscience to hold an instant judgment day, and hurl the triflers into the oblivion that yawns for them as rightly its own."

. So command, oh, brave Christian men of Missouri, and may God empower you and us to see that the command is obeyed!

Missouri rose *en masse* in answer to this and other appeals that went forth from the thug-ridden city, and county after county formed in line for Folk until within sixty days after the right of free ballot was denied in Clayton, the nomination of the circuit attorney to the higher office was assured.

Although it was a people's victory yet the cause of good government could not have triumphed had there not been men to spread the gospel. In this Mr. Folk did yoeman work, having delivered addresses in every town of importance in Missouri. His most earnest assistants were Mr. N. W. McLeod, of St. Louis, and Congressman W. D. Vandiver, of Cape Girardeau. The former devoted many weeks of his time to the campaign and drew heavily from his private bank account in order that the effort might be successful. Those acquainted with him are certain that he did this without expectation of reward, for his business interests are so manifold that he could not afford to accept office. "Nor do I do it for Mr. Folk," he said. "I am not a hero worshiper. It is good government that I wish to see and I believe that Mr. Folk is the ablest exponent of good government in Missouri today."

Congressman Vandiver attended principally to the details of the state campaign and delivered nearly as many addresses as did Mr. Folk.

## CHAPTER XXX

### THE LOCK-STEP

**E**VEN as this book is going to press two men are commencing their sentences in the penitentiary for the part they played in the bribery game. They are Julius Lehmann and Emil Hartmann, convicted of accepting money for their votes in passing a street lighting ordinance.

In the two years that Mr. Folk has been waging war on the boodlers he has secured eighteen convictions and two men have been acquitted while three are still fugitives from justice. Of the convictions eight have been reversed by the supreme court, seven of which are subject to retrial.

When one reviews the facts in connection with the Suburban deal, and Central Traction deal, the lighting scandal, the stories of a thousand and one grafts that have been recounted in this volume, and again the crime that has been exposed concerning members of the general assembly, is it not strange that the total of those to receive the resultant punishment should be so small, and, reader, does it not give you food for reflection concerning the laws of this land and the way in which they are administered?

Hark to the lock-step! It is the sequel to the battle against bribery; and no less a sequel because there are hundreds of men in St. Louis to-day, walking leisurely through the greatest of all expositions, when they should have hand on the shoulder of the person in front and should bend knee in unison with comrades in stripes.

But they have escaped—by the grace of a statute of

limitations and by the grace of court rulings.

This narrative concludes with a dispatch, dated Jefferson City, June 15, 1904; and many who read it will wince and shiver, then thank their stars that elastic laws have spared them from being subjects of similar articles:

"Julius Lehmann and Emile Hartmann, the first of the convicted St. Louis boodlers whose sentences have been affirmed by the supreme court, began this afternoon to serve the terms of seven and six years, respectively, to which they were sentenced. Many persons were at the station when they arrived. The prisoners, without hand-cuffs, Lehmann carrying a suit case, marched through the crowd, in advance of Marshal Finks, direct to a carriage.

"Lehmann handed the suit case to the carriage driver and walked across the street accompanied by Hartmann, to a saloon, where each took a glass of beer. They had asked the officer for that privilege and he granted it, as it would be the last beer they would drink for some time. As soon as they had finished drinking, the officer appeared and they marched out of the saloon with him to the carriage and were driven direct to the penitentiary. On the way Lehmann and Hartmann talked of their visit here in last March when they appeared before the supreme court on their appeal bonds. Lehmann was slightly nervous and Hartmann showed considerable emotion.

"The prisoners preceded Marshal Finks through the front entrance, and into the main hall, where they were ushered into the receiving ward and locked in the receiving cell by a guard. Presently an officer, accompanied by a convict who carried a shaving outfit, marched into the receiving ward and Lehmann was called from the cell and placed in the barber chair, where his hair was clipped closely and his face smooth-shaven. He was then bathed, weighed, measured, his scars taken and dressed in stripes.

"Hartmann was then initiated in like manner, and they were left in the receiving cell until the officers

could arrange a permanent cell for them. They will be allowed to cell together.

“Both men are apparently reconciled to their imprisonment, and hopeful only of earning commutation or perhaps eventual pardon through good behavior.”

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